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Portraits and Jewels of Mary Stuart

'Was this the face that launched a thousand ships
And burned the topless towers of Ilium?'

asks Marlowe's Dr. Faustus, when the golden Helen rises before his gaze. 'Was this the face,' we ask, when we glance at the more or less authentic portraits of the Mary Stuart that women loved to look on almost as well as men; was this, as Chastelard is fabled to have said on the scaffold, 'the fairest and most cruel Queen on earth?' Setting aside the eighteenth or nineteenth century's imaginary likenesses, in oils, engravings, and miniatures; and looking only at the winnowed residue left by critical processes, we find scarcely any portrait of Mary, we only find three or four, that justifies her fame for beauty and witchery. Remarking the others, the solemn school girls, and wasted devotees, we fear that antiquity, with one voice, has flattered the Queen. A sense of gradual enlightenment, however, attends the reader of what has been written by recent students of Mary's portraits, from Mr. Albert Way¹ and Sir George Scharf, to Mr. Lionel Cust, Mr. J. J. Foster, and Dr. Williamson. It is our hope to add something to the results attained by these authors. The tendency of criticism is to be sceptical, wisely, when we consider the vast numbers of false portraits of Mary, backed by mythical legends about their history and origin, which decorate the walls of country houses, and are displayed at Loan Exhibitions. At these pseudo Marias recent writers have dealt many swashing blows, hitherto without destroying myth and false tradition.

¹ Sir George Scharf, *The Times*, Feb. 7, May 7, Oct. 30, Dec. 26, 1888. Albert Way, *Catalogue of Exhibition of Archaeological Institute*, 1859. Cust, *Authentic Portraits of Mary, Queen of Scots*, 1903. Foster, *True Portraiture of Mary, Queen of Scots*, 1905. Williamson, *History of Portrait Miniatures*, 1904.

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There lie before me photographs of eighteen Maries, displayed at the Glasgow International Exhibition of 1901. I do not cite their numbers in the Catalogue, or the names of the owners, except in two cases. The Duke of Devonshire kindly lent the 'Sheffield' portrait of Mary, now at Hardwick. It is dated 1578, and is signed 'P. Oudry.' This, at least, is a contemporary effort to portray the captive Queen in her thirty-sixth year. We shall try later to throw light upon its history, and on that of the numerous extant portraits of the same type. We have next, in the Glasgow Catalogue, five or six Maries who never were Mary Stuart; of these most descend, in various degrees from a single false type, the 'Carleton' portrait of the Duke of Devonshire, a good painting of an unknown lady of the sixteenth century, to be described later. Another lady in a jewelled caul is also unknown, but emphatically is not Mary Stuart. Another portrait is a pretty fanciful work of the late eighteenth century,—in Stoddart's manner. Another is a round-faced nunlike person. Two others with crowns and crucifixes are apparently daubs of the early nineteenth century. There are also two posthumous 'memorial' pictures of interest, but not, of course, painted from the life. There are some miniatures, of eighteenth century origin, mostly done on ivory, which was not used by miniature painters in Mary's lifetime, nor for a century later.¹ But one of these bears the faintest resemblance to Mary in features, contour of face, colour, or expression; they are of three false types. Another miniature of about 1820, showing us a lovely lady of the Book of Beauty type, descends remotely from the Morton portrait to be discussed later. One really curious miniature, in a conical hat, we shall comment on presently.

This crowd of some fifteen hopeless effigies propagated in Scotland superstitious ideas of what the famous unhappy Queen was like, in the days of her life. Now we know, on the best possible evidence of contemporary description and of undeniably authentic contemporary portraits, what Mary Stuart was like. She in no way resembled fifteen out of the eighteen portraits exhibited for public edification at Glasgow.

Even with due allowance for three intervening centuries of revolution, it is amazing that so few genuine portraits of Queen Mary exist. They might be expected to be numerous in France, but we have, in France, only the precious drawings of 1552-1561. The Popes must have wished to see likenesses of a daughter

¹ Propert, *History of Miniature Art*, 90, 109.

of the Church, about whose steadfastness to the faith, and moral character, they entertained very different opinions in 1561-66, 1567-68, and 1570-1586. Yet we hear of no portrait or miniature in the Vatican; of none in Spain, where the Queen's friend and sister-in-law, Elizabeth of France, daughter of Henry II., was Queen.¹ Miniatures of contemporary date, we shall see, were numerous, and were given to adherents: where are they now?

Woodcut portraits circulated in England, in 1583.² A printed leaflet was then issued, in Mary's interest, with her arms, and those of her son, James VI., at the moment when a treaty for an 'Association' of the pair in the sovereignty of Scotland was being negotiated. Two doggerel verses of four lines each celebrated the virtues of Mary, and the promise of excellence in her son. Becoming aware of the existence of this pair of woodcuts, I guessed that they would be reproductions of the medallion portraits given by Lesley, Bishop of Ross (in his *De Origine, Moribus, et Rebus Gestis Scotorum*. Rome. 1578. 1675). Mr. Cust supposes the medallion of Mary, in Lesley's book, to 'have been done by an Italian artist from a miniature portrait.'³ This is very probable, but the miniature itself is unknown. Mary wears a crown over her cap and veil; her features are correctly given in all respects, the nose is long, low, and straight, and the face is thin, as in miniatures and portraits of 1572-1578. The English printed sheet of 1583 reproduces this portrait, but the portrait of James VI. is crowned, and he is older than in the medallion of 1578. I am inclined to believe that the Catholics of England owned many miniatures of Mary, during her English captivity (1568-1587) and I shall try to show that all traces of these are not lost, and that they were good though neglected likenesses. To possess them, we shall see, was dangerous, in the reign of Elizabeth.

After James VI. came to the English throne (1604), there would be no reason for concealing such portraits. Eagerly sought for, after the Restoration of 1660, and all through the Jacobite times, they were, strangely, not to be found. Charles I. had few of his grandmother's portraits, including the Brocas picture, now in the National Portrait Gallery, and the Windsor

¹ Mr. Way mentions a portrait in the Royal collection of Spain. I have inquired about it to no result.

² MSS. *Mary Queen of Scots*, vol. xii., No. 39, Record Office.

³ Cust, p. 69. Way, p. xii. It is unknown to other inquirers.

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miniature. He had also versions of the *Deuil Blanc* of 1561, in oils, and 'a round piece of the Queen of Scotland,' not the Leven and Melville, to be later discussed, probably; though that may have been called 'round' by the man who appraised the lots in 1649.¹ When a king, a collector, a grandson could get so little in the way of portraits of Mary, in the half-century following her death, they must have been rare indeed, or secretly treasured by Catholic families.

It is unlikely that Mary was ever painted in Scotland, after 1561, by any capable artist, unless Jehan de Court (of whom hereafter), was with her for a year: and after 1568, in England, foreign painters would find access to her very difficult; her youth, too, was past, and 'her beauty other than it was,' as Randolph wrote of Mary, during her troubles in connection with her marriage to Darnley, in 1565. None the less, however it was managed, I incline to believe that miniatures of the Queen, and good likenesses, were executed even in 1571, 1572, and between 1582 and 1586. On this point, as the miniatures in question have scarcely received any notice from critics, I shall try to defend the faith that is in me.

There exist, even now, I think, portraits and miniatures enough to provide a pictorial history of Mary, from 1552, when she was in her tenth year, to 1584-86, the years before her death. As for her stay in Scotland, I may offer what, with good will, may be taken for an uncouth portrait of her at that period. I have seen, also, one barbaric effort of a Scots *primitif*,—Mary with her baby in her arms: it was found in a secret or walled-up chamber of Errol Castle, and must have been of 1566-67, the child being a mere *bambino*. The piece was a sample of popular imagery, and is or lately was in the possession of Mr. Vaughan Allen.

Horace Walpole has remarked 'The false portraits of Mary Queen of Scots are infinite—but there are many genuine, as may be expected of a woman who was Queen of France, Dowager of France, and Queen of Scotland!'²

Walpole might have added 'who was Queen of England, in the opinion of the great Catholic party, that regarded Elizabeth as disqualified by birth and religion.' To men of this party, Mary, a Catholic and a prisoner, was 'The Queen,' and their faith, like that of friends of the kings over the water (1688-1788), was apt to feed itself on portraits and miniatures, some of them bearing treasonable and dangerous devices.

¹ Cust, 108-109.

² Walpoliana, p. 87, 1819.

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I cannot say with Walpole that there are '*many* genuine portraits,' portraits painted from the life. But I conceive that not a few miniatures and portraits are pretty closely affiliated to designs from the life, perhaps to drawings in crayons, now no longer to be traced. I also hold that some portraits do more than is commonly supposed to vindicate Mary's character for beauty, and, above all, for charm. I shall be taxed with credulity, but that is a charge which does not afflict me. In judging works of art, we ought, I think, to bring a gleam of the artistic imagination to the task; 'give a little red' to the cheek from which the carmines have faded; and restore something of the charm which the painters of the sixteenth century, in France, were incapable of rendering, as a rule. I see no reason why, when we have portraits of the same woman's face in youth and in middle age, we should always declare that the young face is derived, by a later artist, from the withered or bloated features of the old face: is a fanciful reconstruction, the painter dipping the old effigy in the Fountain of Youth. The two portraits may be quite independent of each other: we must examine the evidence and the balance of probabilities in each case.

The public demand of the day would be for portraits of the Queen, (so interesting to all Europe,) as she was at the moment. Copies of the *latest* sketch or miniature of her would be in request. Artists would not often, if ever, be asked by adherents of Mary to compose, from designs of 1572-1586, effigies of the Queen as she was in her girlhood. This kind of demand would not arise till later ages of mere sentimental regard for Mary, and portraits done in these ages, the eighteenth and early nineteenth centuries, would readily betray their date by their style and their ignorance, as they do.

II.

One thing is historically certain: Mary was either beautiful, or she bewitched people into thinking her beautiful. This is proved, not by the eulogies of Ronsard and Brantome, a courtly poet, and a courtly chronicler, but by the unanimous verdict of friend and enemy. Even Knox calls her face 'pleasing,'—which the authentic portraits of her face hardly ever are: even Elizabeth recognised something 'divine' in her hated rival; Sir James Melville styles her 'very loesome'; the populace of Edinburgh cried: 'Heaven bless that sweet face,' says Knox,

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as she rode by, while English and French ambassadors are in the same tale. 'There is some enchantment by which men are bewitched,' and 'bewitched' more than a married man ought to be, was Ruthven by Mary, when she lay captive in Loch Leven Castle. Now of her witchery, which is incontestable, few of her accepted portraits suggest the ghost of a suspicion. Four portraits do so, and two of these, the Leven and Melville and the Morton, with the Welbeck miniature, lie in the icy shade of critical scepticism, the fourth is un-criticised. To these pictures we shall return.

What stood between the artists and her beauty? Their own limitations supply the answer: and these limitations hedged them in when they attempted the portraits of other beautiful women, as of Marguerite de Valois, the wife of Henri of Navarre. Their practice, the practice of François Clouet, called Janet, and the rest, was to make an accurate map of the features of the sitter, in a crayon sketch; often of high technical excellence, and then (apparently, as a rule, without more sittings), to paint portraits in oil, or miniatures, from the - - - maps. These paintings were as a rule, conscientiously hard; conscientiously minute were the details of dress, lace and jewels, but vivacity and charm of expression were usually lost. There are exceptions, as in Janet's Elizabeth of Austria, wife of Charles IX. of France. But M. Dimier writes that Janet 'has very little fascination, and a beauty that only reveals itself upon analysis.'¹ These painters were,—Clouet or Janet at least, was,—of Flemish origin, and had 'the German paste in their composition.'

Monsieur Henri Bouchot writes: 'In fact, the crayon sketch was the interesting part of the work of François Clouet' (Janet II. died 1572). 'He made his first sketches of his subjects in coloured crayons, because by this method a short sitting alone was necessary. . . . The painter did not receive sitters in his studio, he went to their houses, and sketched on some table corner the subject, who was in haste to know that he was finished off.'² 'A crayon sketch will be enough,' wrote Catherine de Medicis, 'to be quicker done with it.'³ These sketches, though so rapid, were elaborate (this point I must insist upon as important) in regard to the details of the jewels worn, as in the drawing of Charlotte de Beaune,

¹ *French Painting of the Sixteenth Century*, p. 206.

² Henri Bouchot, *Les Clouet*, p. 24.

³ Bouchot, *Quelques Dames du xvi. Siècle*, p. 4.

PLATE I.



BRIDAL MEDAL, 1558. MARY AND THE DAUPHIN.

See page 137.

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Madame de Sauve. We see that she wears across her breast a belt of large jewels of gold, containing, alternately, two great round pearls, one above the other, and a large oblong dark table stone, ruby, diamond, emerald, or sapphire. Round her cap is a precisely similar belt of jewels. We shall find Queen Mary, in the Leven and Melville portrait, wearing a similar set of jewels, which we know that she possessed in 1556. The settings, in enamel, are, however, different, the stones are rubies, with a diamond in the centre. Elizabeth of France (1545-1568), the young bride of Philip II. of Spain, wears a similar set of jewels (with a different setting) in the beautiful portrait, on panel, at Greystoke Castle, Cumberland, and again, in a miniature in which she appears several years older than fourteen, as she was in 1559. In another crayon drawing of Elizabeth, she wears a table stone in the centre of her necklet, the rest is composed of alternate double pearls, as before, and of roses in enamel.¹ Again, in a miniature in the Book of House of Catherine de Medicis, Elizabeth wears a necklet of table stones, alternating with jewels of four great pearls, two above two.²

The jewels of subjects are thus minutely studied in the crayon sketches of 1550-1580.

Another example is the sketch of the Duchesse de Retz, probably by François Clouet; her double chain of gold links, table stones and jewels of two pearls set side by side, not one above the other, is very elaborately drawn.³ This is, indeed, the universal rule for the crayon drawings, which were merely elaborated with some loss of grace and life, as a rule, in the paintings in oil, copied from them. When the Inventories of Queen Elizabeth, now being edited for the Roxburghe Club, are compared with her portraits, I doubt not that the jewels described will be found accurately represented.

These remarks are here introduced because our identification of one portrait of Mary rests much on the identification of the jewels recorded in her Inventories; and criticism, as a rule, has neglected this method of comparison.

We have described the methods of artists who designed Mary in France, mainly between 1558, when, before she was sixteen, she married the Dauphin, and 1561, when, as his widow, she returned

¹ Bouchot, *Quelques Dames*, p. 20.

² Bouchot, *Catherine de Medicis*.

³ Bouchot, *Les Clouet*, p. 28.

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to Scotland. In Scotland, at least in 1566-67, she had in her list of *valets de chambre*, a French painter in her pay, Jehan de Court,¹ who later was a court painter to Charles IX. of France, and his brother and successor, Henri III. (1572-158-?). The history of Jehan Court, de Court, or Decourt is obscure. 'It is not absolutely certain,' writes M. Dimier, 'that this painter is the same as one who signed that name to an enamel representing Madame Marguerite, Duchess of Savoy, as Minerva, in the Wallace Collection. The enamel dates from 1555. The name of Jean Decourt is familiar to all amateurs of enamel. The pieces of this date, marked I. D. C. or I. C., are all ascribed to him.' At the Glasgow Exhibition of 1901, Lord Malcolm of Poltalloch exhibited an object which had been in the Pourtales collection, an enamel tazza, by Jehan Court, *dit* Vigier, 'bearing the arms of Mary, Queen of Scots, surmounted by the crown of the Dauphin.'² Mary was Dauphine from April, 1558, to July, 1559. She seems to have patronised Jehan de Court in France; and in her household list (*Etat*) of 1566-67, she pays to 'Jehan de Court, peintre,' two hundred and forty pounds (*livres tournois*). Her favourite and loyal secretary, Raulet, receives only 200 *livres*, as does her secretary Joseph Riccio, brother of the murdered David Riccio. In France at this date the famous Court portrait painter, François Clouet, or Janet, had a salary of 240 *livres*.³

When Mary went to France, at about the age of six, she was met by her maternal grandmother, the Duchesse de Guise, who describes her thus: 'She is *brune*, with a clear complexion, and I think that she will be a beautiful girl, for her complexion is fine and clear, the skin white, the lower part of the face very pretty, the eyes are small and rather deep set, the face rather long, she is graceful and not shy, on the whole we may well be contented with her.'⁴ The description remained true in the Queen's womanhood, to the confusion of all her round-faced, large-eyed 'portraits,' things fabricated in the eighteenth century.

Setting aside the coins of Mary's childhood, the earliest portrait of her is a sketch in red and black chalk, at Chantilly. The inscription, in contemporary spelling and handwriting, runs,

¹ See Teulet, *Relations Politiques*, vol. ii., p. 273, 1862.

² *Catalogue, Scottish History and Archaeology*, p. 48, No. 352.

³ Teulet, *Relations Politiques*, ii., p. 273, Paris, 1862. Dimier, *French Painting in the Sixteenth Century*, pp. 238, 240.

⁴ *Cust*, p. 20.

PLATE II.



MARY AS DAUPHINE, 1559.

After Crayon Sketch by Clouet or Jehan de Court.

See page 137.

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being translated, 'Mary, Queen of Scotland, at the age of nine years and six months, in the month of July 1552.' Nobody of importance appears to deny the authenticity of this portrait.¹ M. Bouchot quotes, in this reference, a letter of Catherine de Medicis of June 1, 1552, asking for portraits of her children, and of Mary.² The face is seen in three quarters; on the head is a laced and jewelled cap; a ruff surrounds the throat; the bodice is long and tightly laced, the sleeves are puffed at the shoulders: the jewels, mainly pearls, are not so designed as to be identifiable with descriptions in the Queen's Inventories. The forehead is high; of the hair, flat and divided down the middle, not much is visible. There is a wide space between the very slender eyebrows. The nose is straight and low, it shows no tendency to rise in the centre, though it cannot be called *retroussé*. The chin is dainty, and, for so young a girl, the face is unusually long. The eyes look larger, or at least more fully open than in later portraits: the expression is honest and candid.

From a profile on a medal, struck for her first wedding in April, 1558, when she was not sixteen, we know that the Queen's brow was lofty, as then was fashionable. Her nose was long, and nearly straight, slightly drooping from the tip. Her upper lip was short, her mouth was small, her chin prettily rounded, the face ending in a pleasant oval. The tiny profile of Mary, watching by the death-bed of Henri II. (1559), in a woodcut, entirely corroborates the medal.³ The expression is very serious, as usual: she had enough to make her serious, even in 1558.

The coloured crayon drawing, of 1558-1559, in the Bibliothèque Nationale (printed in colours by Mr. Foster), elaborately confirms all these facts. The piece is attributed to Janet, but M. Dimier now classes it with the work of 'the presumed de Court,' the painter of a portrait of Henri III., in 1573.⁴ The Queen's hair, in girlhood, is of a reddish brown, crimped. Her eyebrows, thin, but arched and delicately pencilled, do not closely approach each other. Her eyes, long and narrow, are of a reddish brown; her nose, long and low; her mouth and chin are as in the medal. I lay stress on the long, low, straight nose, which occurs in every truly authentic portrait, to the last days of Mary's life. The face has not the sly or foxy expression: Mary

¹ Ascribed to Mahier by M. E. Moreau-Nelaton. *Les Mahier*, Paris, 1901.

² Laferrière, *Collection des Documents Inédits*, 1552.

³ Cust, Plate vii.

⁴ Letter of M. Dimier, March 26, 1905.

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was not yet a tracked and hunted creature, but a candid girl. It is a pretty face, but the bald expanse of brow adds to the lifeless effect. Nobody could guess that this girl, so prim and staid, was a creature of infinitely changeful moods, flashing readily from laughter to tears. Yet that is what she undeniably was or became. There is just a hint that she might be merry, in a rather coarsely executed miniature of a rather plump Mary with her boy-husband, the Dauphin, which once decorated a *Book of Hours* used by the devout Catherine de Medicis.¹ Finally, we know that Mary's complexion was of a dazzling pallor: Brantome attests this, and it was especially notable when she wore white mourning, '*le deuil blanc*' in her first widowhood, in the winter of 1560-61. In the South Kensington Museum is an excellent small head of Mary on panel, of about 1559, in 1804 the property of the great antiquary, Francis Douce. I believe it to be a contemporary work.

The most elaborate miniature of Mary, at this period, is that in the Royal Library at Windsor, published in colours by Sir John Skelton, in his *Mary Stuart*. In the miniature, the Queen wears, as in the chalk drawing, the *natte*, or braid of hair, crowning the head, and bordered by coils of pearls. The ruff is not the small ruff of the drawing by Jehan de Court, (?) but an open white-lined collar, turning outwards, akin to the same article in the 'false portrait' later to be described as the 'Carleton.' The dress in the miniature is much of the same rich fashion, with sleeves puffed up at the shoulders, as in the Carleton, but less elaborately decorated. While the features are those of the drawing by Jehan de Court, (?) the grave girlish expression is lost: the eyes are much more narrow, the air of youth and candour is gone: this Mary may be an astute diplomatist, but is not an attractive bride as she fingers her wedding ring. One cannot certainly assign the miniature to the artist of the drawing. As Mr. Cust observes, the miniature attributed to Janet in the catalogue of Charles I. may be the picture brought from France to Elizabeth, in 1560-61, and also that seen by Sir James Melville (1564) in the possession of the English Queen. 'Lovesome' it is not, and, indeed, was calculated to remove any jealousy of Mary's attractions which Elizabeth might have conceived. Mr. Graves, in his account of Nicholas Hilliard, the famous miniaturist (*Dictionary of National Biography*), says that he executed a miniature of Mary in 1560. No authority is given for the statement, and all miniatures on a

¹ Given in M. Bouchot's *Catherine de Medicis*.



MARY IN 1559-1560.

Contemporary Panel in Jones Collection.

Another example not retouched is in the possession of Captain Probert.

See page 138.

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blue ground, like this one, are not by Hilliard. Without going to France, however, he might copy a drawing sent from France. Whoever was the artist, the work is contemporary, though probably not done from the life, and utterly deficient in charm. For charm, and a beautiful carriage of the head and poise of body, we must go to a charming wax medallion of Mary, in the Breslau Museum. Our authors have overlooked this treasure, which is published by M. Bapst, in his valuable *Joyaux de la Couronne de France* (p. 92).

Another portrait of Mary before 1561, a miniature of her at about the age of seventeen or eighteen (1559-1560), is full of interest. One example is in the Uffizi at Florence; it is surrounded by likenesses of Henri II., Catherine de Medicis and their family. Mary wears 'a rich black dress, slashed with white, and a black hat or *bonnet à l'Italienne*, with diamond (pearl?) ornaments and white feather.'¹

The features and colouring, the dark narrow eyes, the long, rather low nose, long face, high brow, and pretty oval lower part of the face, are all here. But the eyes do not appear to be well drawn, and the expression, rather *espiègle*, is unpleasing. Dr. Williamson, however, has noted a variant of this miniature in the Rijks Museum at Amsterdam, which is a delightful likeness.² The Queen wears white, which always became her: her hat is white, with a white plume, and three rows of pearls; her dress, also white, is set with large pearls, and this is the earliest portrait of her which justifies Sir James Melville's phrase 'our Queen is very loesome.' The expression, though rather grave, is singularly winning; with this and the Leven and Melville portrait, a man can understand the charm of the most charming of royal ladies. This miniature gives just what the coloured sketch attributed by M. Dimier to 'the presumed Jehan de Court' misses. The face in that drawing might be, nay, it is pretty, it has all the elements of beauty; the Rijks Museum miniature has 'the little more, and how much it is.'

To this miniature I would venture to add the lady in a symphony in cream and milk,—delicate garments, ivory white, lawn white, and ermine,—which is in the collection of the Duke of Portland. Even the strange coal-scuttle shaped white hood becomes this beauty, who holds in her hand a Book of Hours, and whose portrait is inscribed *Virtutis Amore*, while she looks

¹ Cust, 39, 40.

² Williamson, *History of Portrait Miniatures*, Plate xlvii., No. 9.

thoroughly mundane, and very fond of dress. Dr. Williamson thinks it is probably some French princess unknown, but it resembles none of them so much as 'the flower of fair Scotland'—the eyes, in the photograph given by Dr. Williamson are dark enough to be hers. The eyes are grey, while Mary's eyes were of a reddish brown. 'The eyes in certain aspects assumed probably the appearance of being grey rather than brown,' says Mr. Way.¹ On the back of the frame is 'Mary, Q. of Scots,' in the handwriting of Edward Harley, Earl of Oxford, a distinguished collector. In what seems to be the hand of Bernard Lens (the artist of the eighteenth century) is 'Nich^{as} Hilliard fecit.' Lens's security is no better than Bardolph's; but Oxford's is a better opinion.

Dr. Williamson, who alone remarks on this miniature, has not observed that the inscription *Virtutis Amore* is certainly an anagram. Anagrams were much in fashion, one anagram of Mary's name was *Sa Vertu m'attire*. The letter U was equivalent to V, and, in *Sa Vertu m'attire*, there is one V or U too many, and there are three letters more than in Marie Stuart. But they are all letters which occur in 'Marie Stuart,' and that was reckoned fair play in the game of anagram making. In *Virtutis Amore* there is a superfluous u. There are two letters too many, in *Virtutis Amore*, for 'Marie Stuart,' and one letter is an o. But it was usual in France to spell our Scots names phonetically, and the o makes the surname *Stouart*, as it was pronounced, the ou sounding as in French *couard*, like our oo. This is no mere conjecture. At the sale of Mr. Scott of Halkhill, in March 1905, £101 was paid for Haden's 'Discours de la Mort de Marie Stouard.' The French anagram is better evidence than a plain inscription, for sceptics would say that the inscription was added late, by Harley.

Mary had another anagram, *Veritas Armata*. On the broideries of a bed, worked for her or by her, in captivity, *Veritas Armata* was inscribed above a picture of herself, kneeling before a crucifix. *Sa Vertu m'attire* referred to the attraction of the Pole for the magnet. Drummond of Hawthornden described this bed with the emblems and anagrams to Ben Jonson in a letter of July 1, 1617. The bed was then at Pinkie House, near Musselburgh, the property of the House of Douglas. It cannot be by mere accident that the inscription of the Welbeck portrait yields an anagram of Mary's name, and

¹Way, xxiv.

PLATE IV.



MARY WITH MOTTO, "VIRTUTIS AMORE:" "MARIE STOUART."

Enlarged from the Duke of Portland's Miniature.

See page 140.

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I think this quite good evidence that the Duke of Portland's miniature actually does represent the Queen of Scots, when Queen or Dauphine of France (1558-1560). At Ham House is a very curious late sixteenth century miniature of a dark young Frenchman. The background is painted *in flames*, and the motto is *Alget qui non ardet*, 'he freezes who does not burn.' This yields the anagram, 'Algernon de Tiquet,' and there was a French family named Tiquet. Of Algernon I know nothing.

The celebrated drawing, ascribed to Janet, of Mary when widowed, in white weed (1561), shows her face as fuller than it had been: indeed she looks much older than her age, which was about eighteen: the expression is both sly and heavy. Comparing it with a portrait said to have been done for Charles I., by Daniel Mytens, before 1639, we might conjecture that the later artist has taken the dress and attitude from the Sheffield portrait, to be criticised presently (dated 1578, and signed 'P. Oudry,'), but has 'compiled' the face by slightly ageing that of Mary as seen in *le deuil blanc* of 1561. In the work attributed to Mytens, indeed, the face is hardly older than it looks in the *deuil blanc*, and wears a more amiable expression: yet there must be seventeen years between the Mary of *le deuil blanc* and the Mary of 1578. In all probability this 'compilation' attributed to Mytens, fifty years or so after the Queen's death, is really a better likeness than the Sheffield portrait of 1578, to which we return.

Having now a clear conception of Mary's features and complexion, and, thanks to the Rijks Museum miniature, some idea of her vivacity and charm, we omit for the present, as subject to dispute, all portraits alleged to represent her between the date of her return to Scotland (1561) and the date 1572, and we postpone discussion of the Leven and Melville portrait; in my opinion probably of 1558-1560.

III.

The year 1572 saw Mary in the deeps of misfortune. In August, 1571, the Ridolfi conspiracy for her release, and marriage to the Duke of Norfolk, with whatever consequences might follow for Elizabeth and the Protestant religion, was discovered. Norfolk was arrested, and after long delays was executed in 1572. Every argument was used to induce Elizabeth to put her captive, Mary, to death. Puritan and prelate alike clamoured

for the laying of the axe to the root, while the Bartholomew massacre of August, 1572, increased the terrors and the fury of the Protestants. An intrigue for handing Mary over to the Regent Mar, for execution in Scotland, was begun, but was foiled by the death of Mar, and the caution of his successor, the Regent Morton. These sufferings had, not improbably, their effect in portraits of Mary, perhaps to be called 'popular imagery,' for distribution among Catholics, but still portraits of a sort. A miniature, copied, I think, from one of this period was among the effigies exhibited at Glasgow in 1901. It is the property of Mrs. Anstruther-Duncan. Being 'on ivory,' it cannot be contemporary with the Queen, and is at least a century later. This miniature, whatever its source, is an undeniably good likeness of the Queen, with dark eyes, the long low straight nose, the eyebrows wide apart, and the delicate oval of the lower part of the face. All the features are thus correctly given, the expression is very far from the saintly, and the face is younger than in any of the pictures of the Sheffield type (1578). The Queen wears a conical cap, coming to a sharp point from a broad base, it is edged and striped with black. There is a white lining, marking off the hair, which is puffed out at the sides. She wears a small white open collar, lawn across the upper part of the breast, and a black dress, gathered in closely at the slender waist. One hand holds a crucifix; the other a small book, perhaps a book of devotion. Little linen cuffs are at the wrists, as in the Morton portrait. She wears a necklet of pearls falling as low as the breast, a cross is pendant thence. A table with a rich cover, and a crown and sceptre, is at her right side: on the left is a crown above a scutcheon, surrounded by the Garter, in the scutcheon two of the quarters appear to be erased. In this miniature I think we see Mary represented as the suffering Catholic captive, and rightful Queen.

Mary, in 1572, was but thirty years of age, and (in this miniature) was still a very handsome woman. There is no doubt that the face is much younger than in portraits of 1578.

I am inclined to think that the date 1572 is probable (*for the original of this work*) for the following reason. Lord Leven and Melville possesses a very interesting variant of the miniature. The face has suffered somewhat from time, but the black dress, in this case richly embroidered in a pattern of gold, shows well against the blue ultramarine of



LE DEUIL BLANC. 1560-1561.

After Crayon Sketch by Clouet.

See page 141.

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the ground. The cap is the same as in the miniature. The hand holds a crucifix. The inscription, in letters of gold, is 'Maria Stuart. Anno 30,' which marks the year as 1572. The shield, under a crown, and surrounded by the Garter, contains the Lyon of Scotland, twice, the Harp of Ireland, and in the fourth quarter, the Lilies of France and the Leopards of England. Thus reminiscent of Mary's fatal claim to the English arms and crown, the miniature has clearly been so marked, or the original from which it was derived was so marked (of whatever period the inscription may be), to please a Catholic adherent or admirer.

Mr. Foster has shown me a photograph of a third miniature of this type, picked up at Heidelberg by a member of the Powis family. All three miniatures are of a distinctly political and religious purpose. They represent the claims of the rightful Catholic Queen. They imitate closely the miniature style of Hilliard, and I can form no more probable hypothesis than that they were copied from a seventeenth century original for English Catholic Jacobites of the eighteenth century.

English Catholics of 1572-87 may have had plenty of these miniatures. In 1575 Thomas Corker writes to Walsingham, respecting Richard Bacon, a prisoner in the Fleet, who had stated that one Weston 'had a picture of the Scottish Queen in his chamber.'¹ Corker was a spy, apparently; in 1569 he brought false charges against another gentleman.² I quote the spy's letter in full:

THOMAS CORKER TO WALSINGHAM.

Ryght honorable my humble dutye Remembred, the proffesy I have agaynst Weston ys y^t one Richarde Bacon prysoner in the Flete desyringe the sayd Weston to borowe money of a lease whiche money fyrst beyng graunted by hym and after that denyed, the sayd Bacon thervpon conceyving vnkyndnesse tolde hym that he wolde vtter matter agaynst hym and hys felowes to theyre shame which Weston bad hym doe yf hys consyence wold serve hym therto; those wordes I overhearynge and after talkyng with him for the same he fully confessed, wyllinge me to vtter the same, promysynge to affyrme and prove the same at anye tyme when he shoulde be called. He tolde me also y^t the sayd Weston had the Scottysse quenes pcyture in his chamber which he kepte wth greate Reverence and shewed hym the same wth greate Reioycenge, and thys ys also most certayne y^t none was greater wth Weston than thys Bacon, and further the sayd Bacon tolde me how unkyndlye he had dealte wth hym consyderinge what he had done for soche in tyme of hys prosperytie

¹ MS. Record Office, *Mary Queen of Scots*, vol. x., No. 47.

² MSS. *Mary Queen of Scots*, vol. iii., No. 96.

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to hys greate cost. And thus havyng satysfied yo' honours Request in what I do so sodenlye Remember and cravynge pardon for my Rude wrytynge I humblye take my leave this vjth of Maye Anno 1575.

Yo' honours most

humble and daylye oratour

THOMAS CORKER.

Addressed :—To the ryght honorable M^r. Secretarye Walsingham one of her Ma^{ties} most honorable pryvy councell.

The source of this type of 1572 we cannot discover, but there is no doubt that Mrs. Anstruther-Duncan's miniature contains an excellent likeness of Mary, as a captive, at about the age of thirty. This work appears to have escaped the authors who have investigated the portraits of the Queen.

It must be observed that I am not claiming contemporaneity for any of these three curious miniatures which profess to represent Mary at the age of thirty, namely in 1572. Their existence is a puzzle. We know that early in the eighteenth century, a miniature, perhaps a genuine miniature of Mary, was destroyed by the Duke of Hamilton, who was slain by Lord Mohun. The Duke handed over this relic to a painter named Crosse, to be 'made as beautiful as he could,' and the result was merely farcical. The early eighteenth century was helpless in the archaeology of the sixteenth century. I cannot believe that painters of 1680-1800 could possibly invent or furbish up out of genuine sources such a Mary as we see in the Leven and Melville portrait and the miniatures of 1572. Artists would do something which they thought beautiful, like L. Crosse. Much later, in 1819-20, Hilton and others, with the splendid Morton portrait of Mary before their eyes, merely made pretty sentimental parodies of it, in place of accurate copies. Again, eighteenth century artists, being nothing less than historians, would not remember that, in 1572, Mary was the Queen of England, in the eyes of her party; and would not dream of decorating her likeness with the English Royal arms, those of Scotland, and the Garter. They had not the necessary knowledge. Granting then that these three miniatures, claiming to be of 1572, are late productions, emulating the style of Hilliard and his contemporaries, I am led, I repeat, to regard them, not as archaeological counterfeits, but as copies of sixteenth century miniatures of Mary, in the early years of her English captivity.

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We must not attribute to eighteenth century artists a taste and genius for such relatively accurate archaeological forgeries as these three miniatures would be. They are more like close copies of once extant popular imagery of Mary's own period.

IV.

We now come to a life-size portrait of Mary, dated 1578. This is the Sheffield portrait, in the possession of the Duke of Devonshire, at Hardwick.

The Duke's family, descending from 'Bess of Hardwick,' Countess of Shrewsbury, the jealous wife of Mary's gaoler, the Earl of Shrewsbury, may have inherited the Sheffield portrait from the Countess. A picture of Mary, as Mr. Cust kindly informs me, is named among those which the Countess bequeathed in her will (MS.) of April, 1601. However, I think that the picture, or at least the Latin inscription on it, was not made, or copied, for the heretic Countess, but for Catholic sympathisers with Mary. The inscription, in bad Latin, has clearly been copied erroneously, as Mr. Cust has remarked, from the correct Latin of the inscription as given on another portrait of this period, now in the National Gallery of Portraits. The painter of the Sheffield piece, Oudry, may have been given an inscription to copy, but, like an ignorant lapidary cutting a tombstone, he has copied it wrongly. The words on his picture are MARIA, D. G. SCOTIAE PISSIMA REGINA. FRANCIAE DOWERIA (for DOTARIA), ANNO REGNI (*que* omitted), 36 ANGLICAE CAPTIVAE (error for CAPTIVIT.) 10 S.H. 1578. Some other copies follow the latinity of the uninstructed P. Oudry. The correct inscription is on the painfully 'restored' Brocas portrait in the National Portrait Gallery.

The inscription, being interpreted, is by no means one that the Countess of Shrewsbury could have ordered to be inserted. It runs 'Mary, by the Grace of God Most Pious Queen of Scotland, Dowager of France, In the Year of her Age and Reign, 36, of her English Captivity, 10. S.H. 1578.'¹

To the Countess, Mary was probably neither 'most pious,' nor (when they were on bad terms) 'Queen of Scotland.' The rosary which she wears, the enamelled crucifix, and the cross with the device *Angustiae Undique* ('Straits of peril on every hand'), would

¹ S.H.—*Salutis Humanæ*, year of grace, 1578. I owe the interpretation to Mr. Cust.

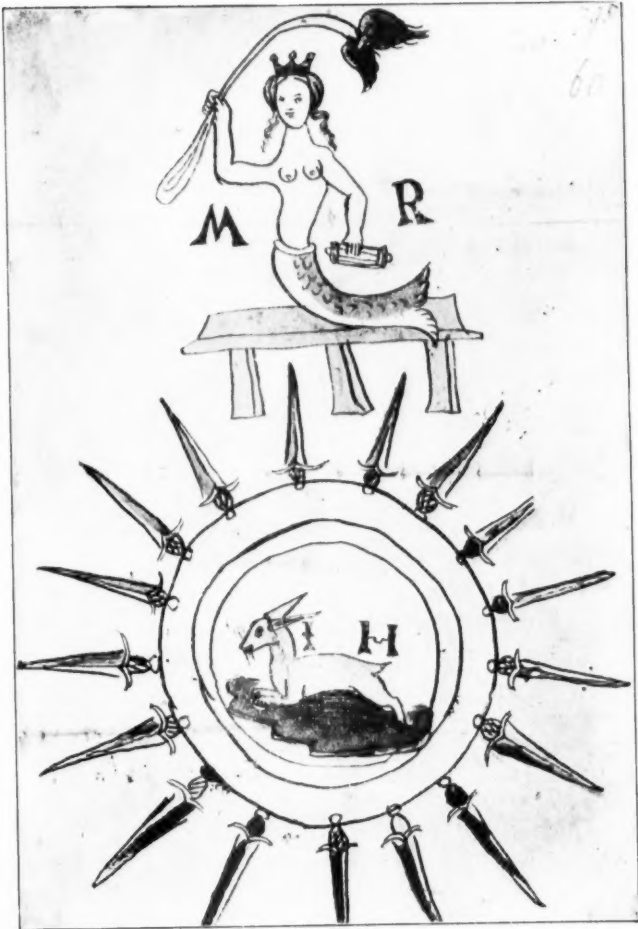
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all be distasteful to the Protestant Countess of Shrewsbury. The Sheffield picture, then, must have been executed for, or at least by a Catholic sympathiser, and, as far as the inscription goes, must have been badly copied from some other work. The Countess possessed portraits of Mary's father and mother, James V. and Mary of Guise. These must have been relics of her husband's prisoner, how acquired by Lady Shrewsbury we do not know. The portrait of Queen Mary may have been a gift, or may have been left behind when the Queen was moved from Sheffield in 1584.

Turning to Mary's personal history, and taking the dates 1577-78, we know that, in August, 1577, a painter was at work on her portrait. He would finish it before 1578, the date when P. Oudry signed the Sheffield portrait. On August 31, 1577, Mary wrote from Sheffield to Archbishop Beaton, her ambassador at the Court of France. She discussed proposals made to her ambassador, through Lord Ogilvy, by the Earl of Morton. The position of the Earl, one of Mary's bitterest enemies, was then perilous. When James VI. came to years of discretion (in 1577 he was eleven), the Regent would be attacked by his countless enemies, and he had a vulnerable point, he was known to have been more or less connected with, or guiltily aware beforehand of the murder of Darnley: this finally brought him to the block, in 1581. In 1576, 1577, he was trying to make friends with Mary; he spoke 'reverently' of her; desired her restoration if James VI. died; and actually offered to give back such of her valuable jewels as were in his hands. If granted an amnesty by Mary, he would labour for her restoration. Beaton had news of this in April, 1577, from Ogilvy, and secretly sent the tidings to Mary.¹ On August 31, 1577, she writes to Beaton that she fears a trap in Morton's offers, but bids Beaton keep him in hand, as his apprehensions for his own safety may possibly make him genuine in his declarations. Beaton is to give him hopes and assistance, and ask for the jewels, or an inventory of them, and for written assurances.

Unluckily we have not Beaton's letters to Mary. Did he ask for her portrait, as a token of her favour to be given to Morton? We do not know: but her secretary, Nau, adds to her letter of August 31, a postscript; 'I thought to have accompanied this letter with a portrait of her Majesty, but the painter has not been able to finish it in time; it will go by the next.'

¹ Hosack, *Queen Mary*, vol. ii., Appendix of letters.



CONTEMPORARY CARICATURE. MARY AS A MERMAID.

1567.

See page 152.

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The portrait, then, was nearly finished in August, 1577, but who was the painter?

Had Mary then a painter in her household? In her MS. *Etat*, or list of pensioners and servants, drawn up on July 31, 1573 (now in the library of the Society of the Inner Temple), we find, among her *Valets de Chambre*, 'Jehan de Court,' who was entered in her list as her painter and *valet de chambre* in Scotland, in 1566. Like Gilbert Curle (a gentleman) and Bastien Pages, he now receives, VIII. XX. *livres tournois* as wages: in 1566 he received CC. XL. It is surprising to find him so late as 1572-1573 in Mary's service, and his wages must be arrears of pension due for 1572. M. Feuillet de Conches, in *Causeries d'un Curieux* (vol. iv., p. 434), says that Jehan was with Mary in captivity till September, 1571, when Cecil dismissed him. If this be so, the miniatures of 1572 may be after a portrait by Jehan de Court. But the letters of September 1571 only give the names of the servants who remained with Mary, not of those who departed. I feel no certainty that Jehan de Court was ever actually in Scotland with Mary. True, his name is on her Household list of Feb. 3, 1566-67, and he receives the same salary as Clouet, called Janet, then received from the French King. But a study of Mary's Household list of 1573 proves that, even when a captive and in sore straits for money to support her cause in Scotland, she was paying *gages* (wages) to many old retainers who were in France. It is quite in accordance with her generous nature to have gone on paying to Jehan de Court, in France, in 1566, the full rate of salary of a Court painter, merely as a tribute to his art. In 1573 she could do so no longer, but she paid him, even then, as pension, the wages of a *valet de chambre*.

Again, we know that in France Clouet was employed to paint not only portraits, but banners and coats-of-arms.¹ Now, on consulting the MS. Treasurer's Accounts of 1566, for Scotland, I find Darnley employing not Jehan, but Walter Binning, to paint his and the French King's arms, when he received the Order of St. Michel. (In January, 1565-66. Payment made on June 14.)² Binning in 1558-1561, was engaged to do the paintings for the feasts on Mary's wedding, and on her State entry into Edinburgh. I naturally examined the Treasurer's Accounts for the painting and decoration done at Stirling, at the Baptism of James VI., in

¹ Dimier, *French Painting in the Sixteenth Century*, pp. 202, 203.

² Treasurers' Accounts, MS., June, 1566.

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December, 1566. Money was paid for colours and gold, but there is no record of payment to the artist who used them. He *may* have been Jehan de Court, paid out of Mary's own dowry. In December, 1567, Binning was paid eight pounds for painting sixteen coats-of-arms. Mary was then a prisoner in Loch Leven Castle. The Binnings were an old family, retainers of the Douglasses since the thirteenth century, one of them was with Archibald Douglas at Darnley's murder.

Jehan de Court may have been with the Queen in 1566, may even have come over in January with Clerneau who brought the Order for Darnley, but he did not paint Darnley's arms as Clouet painted arms in Paris. It is, therefore, still an open question whether Jehan de Court was actually in Scotland or not in 1566. Certainly de Court was not with Mary at Sheffield, in 1572-73, though he appears then in her list of *valets de chambre*. In the autumn of 1572 he succeeded Clouet, recently dead, as a French Court painter, and in 1573 M. Dimier inclines to regard him as the painter of a portrait of the future Henri III., which has usually been taken for the King's younger brother, the Duc d'Alençon.

Again, as in January, 1575, Mary wrote to Paris asking Beaton to send her thence four miniatures of herself, set in gold, for English friends,¹ Jehan de Court can no longer have been in her service in 1575, but had returned to France by that date. We do not know, then, what artist, English or French, good or bad, painted Mary at Sheffield in 1577. Mr. Cust suggests that only a miniature, not a full length, which it would be difficult to send to Paris, was done in that year. But Mary sends to Paris for a bed (a present for Shrewsbury) and for large chandeliers: her French Chancellor of her Dowry estates was allowed to come and stay with her for months, and there would be no difficulty, I think, either about the presence of a French painter, in August, 1577 (he may have accompanied the French Chancellor of Mary's dower estates, who then was with her at Sheffield), or as to sending even a large picture from Sheffield to France. A bed for Mary was sent from France in 1579, with ten thousand crowns hidden in a mattress!²

The Sheffield portrait, we saw, is signed 'P. Oudry.' The only person of that name known to us in connection with Mary (a fact not observed by our authors) is the man who was her *brodeur*, or Embroiderer, in 1560-67. His name appears in

¹ Labanoff, iv. p. 256.

² Labanoff, v. pp. 67, 87.

PLATE VII.



MRS. ANSTRUTHER DUNCAN'S MINIATURE.

*Mary as Captive Queen of England, Scotland, and Ireland. Dated 1572.
Probably an Eighteenth Century Copy.*

See page 142.

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Teulet's register¹ of her Household, in 1566-67; and in various earlier lists drawn up by her steward, Servais de Condé.²

In the list of 1566-67 Oudry occurs under the heading *Gens de Mestier*, with a *pasementier*, a gold worker, and a shoemaker. In 1573 the heading *Gens de Mestier Personnnaires* occurs, but it is followed by a blank space for the names. Perhaps all four *gens de mestier* had been removed in one of the periodical attempts to cut Mary's household down to thirty persons. Such attempts were made in 1572, after the Bartholomew massacre, and the rage and fear which it caused in England. Mary, however, as we know from a letter of Walsingham to Shrewsbury, had an embroiderer unnamed, in 1578, the year of Oudry's portrait painting, and the man's wife was refused permission to see Mary, in May, 1578.³ Even the intercession of the French ambassador could not win Elizabeth's grace, and the embroiderer's wife was to be sent back to London. Where her husband then was, whether at Sheffield or not, does not appear. For all that is said in Shrewsbury's and Walsingham's correspondence of May, 1578, the embroiderer may have been then at Sheffield: it was his wife whom they distrusted as apt to carry messages to France or elsewhere for the captive Queen.

Mary seems to have been unwilling to exist without a *brodeur*. Even as a prisoner at Loch Leven (1567-1568) she begged that an embroiderer might be sent to her, and he may have worked the famous emblematical hangings of the bed described by Drummond of Hawthornden. As late as November, 1585, when at Tutbury, she was on ill terms with her embroiderer (Oudry?) she wished to dismiss him and his wife.⁴ In August, 1586, when Mary was seized at Chertley, and taken to Fotheringhay to die, her embroiderer was one Charles Plouvard.⁵ He had no wife, or none at Chertley. Whether Oudry the embroiderer painted the Sheffield portrait at Sheffield, or elsewhere, in 1578, the hard unpractised style and helpless perspective of the work are explained. He was no painter by profession, and was

¹ Teulet, ii. p. 277.

² Robertson's *Inventaires de la Roynie d'Escoce*, Bannatyne Club, 1863.

³ *State Papers Domestic, Elizabeth*, vol. xlv. p. 22. Walsingham to Shrewsbury, May 30, 1578.

⁴ *State Papers Domestic, Elizabeth*, vol. xlv. No. 69. Paulett to Walsingham, Nov. 30, 1585.

⁵ Labanoff, vii. p. 251.

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probably copying a work by a better artist, perhaps the artist employed in August, 1577. His identity and nationality remain as obscure as ever.

Of the painter of the 'Brocas,' a variant of the (Oudry) Sheffield portrait, now in the National Portrait Gallery, Sir George Scharf says 'he was neither an artist nor an inventor. He must have had a reality before him.' But was that reality,—Mary? or a portrait of her, or a copy of a portrait?

There are apt to be as many critical opinions as there are art critics; but Monsieur Dimier, Mr. Cust, and Sir Edward Poynter all think much more highly of the painter of the Brocas portrait than Sir George Scharf did.¹ I do not know whether he regarded the Brocas portrait as a copy of the Sheffield by Oudry, or whether he meant that the 'reality' before the painter of the Brocas portrait was the Queen herself. Sir George was 'disposed to lay the greatest stress upon Oudry's (Sheffield) portrait, as the original source from which so many modified types are derived.' Yet it is not an original, manifestly it is a mechanical copy.

Meanwhile Mr. Cust, and Monsieur Dimier think, as we have said, that a portrait in the National Portrait Gallery, 'the Brocas portrait' marked on the back with the C. R. and Crown of Charles I., showing the Queen, not as far as the carpet below the feet, but to a little below the hips, is a much better and more original work than that of Oudry, 'a mechanical copyist.' The National Gallery portrait has suffered from time and the restorer, and, though Mary is not such a squinting and aquiline hag as in Oudry's work, 'it can hardly be said to please the spectator or flatter its subject,' writes Mr. Cust.

We might speak more favourably of an interesting variant of this portrait, which belongs to the Duke of Portland. Mr. Cust supposes it to be a copy of the portrait at Hardwick, 'probably made, with others relating to the family history, for William Cavendish, Duke of Newcastle . . . the inscription repeats the errors of the Hardwick portrait.'² But as photographed in the Welbeck Catalogue, No. 537. (1894) the inscription is in *English*, beginning 'An Original of Mary, Queen of Scots.' The face is infinitely more pleasing, and more like my own notion of Mary, than the ill drawn face of the Hardwick (Oudry) portrait, and the hands are well designed; in the Hardwick the drawing of the hands is absurdly bad. The

¹ See Scharf, in Foster, pp. 115, 116. Cust, pp. 76, 77.

² Cust, p. 82.



SHEFFIELD PORTRAIT, 1578.
By P. Oudry

See page 145.

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English inscription appears to me to be of the seventeenth century. Looking at this Welbeck portrait we ask, is it a much better copy of the original likeness of 1577 which Oudry copied so detestably; or is it a late, modified, and improved study after Oudry's own performance? Has an unknown painter of the end of the sixteenth, or of the seventeenth century, merely bettered the amateur daub of Oudry? This question we leave to the learned: M. Dimier thinks that it is not a copy of Oudry's work.

In all the portraits of the Sheffield type of 1578, the face is very long, and rather thin, and the nose has an aquiline tendency, exaggerated in the picture signed by P. Oudry. We shall try to show that this aquiline tendency is untrue to nature; at least it is absent from Mary's portraits in childhood, in girlhood, and after the age of forty, in the latest years of her life. In the Florence and Amsterdam miniatures, in Lesley's medallion, in the miniatures dated 1572, and in the Morton and Leven and Melville portraits, too, the nose is long, low and straight.

Mr. Cust looks for the original from which come all the portraits of the Sheffield type, and finds it in the hypothetical miniature of August, 1577. Their 'hard unpleasing effect' is due 'to the fact of their having been painted away from their subject.'¹ He adds, 'the fault lay in the original painter, who was probably one of the mediocre journeyman painters who were scattered over England.'² . . . 'There can be little doubt but that the original version of this portrait was taken from the life.'³ Shall we interpret Mr. Cust as meaning that, in 1577, a hard and arid portrait of Mary was done, for Beaton, from the life, by a strolling English journeyman painter, and was copied, in various degrees of dryness and hardness, by Oudry and other copyists. In that case a hard and arid original was sent to Beaton in 1577; we have however no documentary evidence that it really was despatched.

We get on but slowly! Mary was painted, by somebody, in August-September, 1577, and the portrait, large or small, was to be sent to her ambassador in Paris. A bad copy, signed 'P. Oudry,' and dated 1578, exists, and there are variants of *that*, or of the original whence that was copied. All show the Queen at various lengths, in various attitudes (in the Brocas her hand is on her side, in which she had a constant pain) and with slight modifications of costume, but she is always in deep

¹ Cust, p. 78.

² Cust, p. 79.

³ Cust, p. 79.

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mourning, and wears jet ornaments, and Catholic emblems. All of these Sheffield types were originally intended, as I have argued, for Catholic adherents.

V.

We now come to a portrait representing Mary at about the age of thirty-six, and actually looking no older! It has no inscription; nothing about *Piissima Regina Scotiae*; no Catholic emblems; no jet ornaments; no painter's signature, and was clearly *not* meant for a Catholic adherent. It is infinitely better executed than any of the Sheffield type. This is the Earl of Morton's portrait, which Horace Walpole deemed the most to be relied upon—*why*, he did not say.

Sir George Scharf wrote that the Morton portrait is celebrated, 'owing to the very effective engraving of it' published by Lodge. That engraving, however, as Labanoff saw, in no way resembles the original Morton portrait; and is taken from a water-colour sketch in which W. Hilton, R.A., in 1819, modernised the Morton portrait,¹ altering face, hands, dress, and what else he pleased. Hilton made the Queen a pretty modern coquette; Martin, in 1818,—still travestyng the Morton portrait,—made her a sentimental Saint. Mr. Cust thinks the Morton (which he has seen), superior to the Sheffield as a work of art, but much less 'convincing as a likeness.'²

Here, with all deference, I scarcely agree with Mr. Cust. In the first place, so long as a portrait is true in all respects to the known facts of Mary's face,—the more pleasing it is, the more probable is the likeness! For the face of this 'gentlewoman' was 'pleasing' as Knox writes in his History. Had it not been 'pleasing' her own history might have been happier. Even the caricaturist who, in 1567, after Darnley's murder, drew Mary as a Siren, made her face eminently pleasing. The lofty brow, the rather long low nose, the oval of the face, the small mouth, and the sidelong glance, in this caricature, are all Mary's, and all are pleasing, rude as is the sketch.³ I am convinced that the Morton portrait (though, like those of the Sheffield type, it darkens and strengthens the eyebrows), shows to us, saddened and altered by some thirteen years and innumerable sorrows, the face of the medal of 1558; of the

¹ Cust, p. 86, note.

² Cust, p. 86.

³ The caricature is published in my *Mystery of Mary Stuart*.



THE MORTON PORTRAIT. 1577-1580(?)

See page 152.

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early French drawings; and of the *deuil blanc*. (1561.) The nose is not an aquiline beak: it is long and low, the expression is melancholy and stately, not coquettish, *à la Hilton*: or angelic, *à la Martin*, or tormented, as in Oudry's work. It is a human face, and the face of a Queen who looked her part. (The original Morton portrait is photographed by Mr. Caw, in *Scottish Portraits*, and is also in my *Mystery of Mary Stuart*.) The Queen's right hand fingers the pearl pendant of a table of ruby (she had such a jewel, but they were common enough): the left hand holds a handkerchief, 'having two white tassels projecting stiffly from the corners,' says Sir George Scharf. James V. fingers a pearl as Mary does here in a well-known portrait; Darnley holds a handkerchief as she does, in a portrait done before his marriage, say in 1560-64. (Photographed in *The Mystery of Mary Stuart*.) The handkerchief, says Sir George Scharf, is common in Honthorst's pictures, namely about 1620-50. Honthorst, we know, painted Montrose, after the death of Charles I. (1648) for Elizabeth, 'Queen of Hearts,' or that portrait of Montrose is attributed to Honthorst. But Sir George Scharf elsewhere assigns the Morton portrait to 'the close of the sixteenth century,'¹ as a probable date. This is inconsistent with his theories of a late date, long after the close of the sixteenth century, as when he thought that the Morton piece was perhaps by Van Somer, for James VI.; or by Honthorst for the Queen of Hearts. 'Direct copies or adaptations of this Morton portrait are scarcely ever to be met with,' while copies of the Sheffield type, and of the false 'Carleton' type are very common.

I confess to being rather sceptical as to verdicts that vary thus, and are based on fleeting opinions about the internal evidence of style and treatment. If fingering a jewel is an artistic attitude of about 1540 (as it is) why should a painter of 1620-40 follow it in the Morton portrait; and if to hold a handkerchief is an attitude of 1560, as in the picture of Darnley, how does it bring the date of a portrait down to the late day of Honthorst, say 1620-50?²

Mr. Cust thinks that the painter of the Morton portrait 'had instructions to modify the unsatisfactory and distasteful appearance given by Oudry in the Sheffield portrait.' But, if the painter of the Morton portrait was French, he probably

¹ Scharf, *apud* Foster, p. 117. Date of writing 1876.

² Scharf, *apud* Cust, pp. 84, 85.

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never saw the Oudry copy of something unknown, done in 1577. He *may* have seen the original then painted for Beaton. Mr. Cust argues that the absence of religious emblems 'denotes a later period.' But, if the portrait was to go to Scotland, in 1577-87, or was done for a Scot then or later living in Scotland, the Catholic emblems would necessarily be omitted. The preachers would have thundered against them: Morton could not have endured them. On the other hand nobody in France would persecute a painter for painting a Mary, for Morton or George Douglas, without religious emblems. She was often painted with none.

Now, if a portrait of Mary was taken to France from Sheffield in 1577-78, why should not Jehan de Court in Paris, Jehan so familiar with Mary's face, have painted the Morton portrait, or corrected the performance of a painter working on the basis of what was done at Sheffield in August, 1577? If so (granting that the style and costume present no insuperable difficulty), the excellence of the likeness in the Morton portrait is explained, and the picture might either be sent to Morton, or given then or later to George Douglas, who helped to rescue Mary from Loch Leven, and was constantly in France on her business, and always in close touch with Archbishop Beaton as late as 1585. A foolish legend says that it was painted during Mary's captivity at Loch Leven (1567-68), but Meyrick in the *Gentleman's Magazine* (1836, vol. v. p. 251) simply remarks that it has been very long in the family, and was done for George Douglas. From the 'broader and freer style' of the Morton portrait Mr. Cust would assign it to a date about 1608, 'some thirty years later than the Sheffield portrait.' I have confessed to 'giving but a doubtful credit' to judgments based on internal evidence of style, though a child could see that the Hilton copy of the Morton portrait is about the date of *Books of Beauty*, about 1820-30. M. Georges Lafenestre, in his book *L'Exposition des Primitifs Français*, remarks on 'the extremely divergent opinions, as to chronology and iconography' (especially as regards portraits attributed to Jean Clouet), entertained by the learned MM. Bouchot and Dimier.¹ 'The more one goes into these things, the more sceptical one becomes,' writes M. Bouchot. He speaks here, to be sure, of a somewhat earlier period.

As to the possession of the portrait by the present Earl of

¹ Lafenestre, pp. 100, 101.



PENICUK JEWEL. MINIATURE OF JAMES VI.
Circ. 1576-79.

See page 135.



PENICUK JEWEL. SIR GEORGE CLERK, BART. MARY.
Circ. 1584 (?)

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Morton, to come to history, he descends from the Douglasses of Loch Leven, heirs of the Regent Morton. My suggested pedigree of the Morton portrait, through the Regent or George Douglas, is conjectural, but far from improbable: Lord Morton does possess an admirable contemporary portrait of his collateral kinsman, the Regent Morton. (Photographed in *The Mystery of Mary Stuart*.)

Thus 'the most pleasing presentation of Mary Stuart extant,' as Mr. Cust calls the Morton portrait, may also be one of the most authentic, though not necessarily of date 1577-78. Granting an original of 1577, it might be studied from that, at a later period, for George Douglas, though the later the date, the more would the painter follow the very last portraits of Mary, flat faced, with a double chin. The historical facts, as to the relations of the Regent Morton, Mary, and Archbishop Beaton, in August, 1577, point to the probability that Beaton (who could get as many miniatures of Mary, of early date, as he pleased, in Paris), wanted to send to Morton a *contemporary* likeness of the Queen, whom he was trying to conciliate.

VI.

The source of the Morton was probably the portrait done at Sheffield for Beaton in 1577, and in France Jehan de Court, or another excellent painter working under his direction, could produce it.¹ It is true that the tiny miniature in the gold jewel at Penicuik, which came direct to the family of Sir George Clark of Penicuik through Barbara Mowbray, one of the Queen's ladies, represents no known type. But while the artist has produced, in his dot of space, a recognisable likeness of James VI. as 'a somewhat watery little boy,' he has not been successful with Mary. No known type is followed, the gown is of claret colour and gold, and there is gold (gilt) on the cap. We do not know where these miniatures and the jewel that contains them were fashioned.

Again, in the account of Nicholas Hilliard, by Mr. R. E. Graves, in the *Dictionary of National Biography*, it is said that Hilliard, a miniaturist, painted a portrait of Mary in 1579. The miniature of 1579 was once in the Bale

¹ Jehan was a painter, not the only one, of Charles IX., after 1572. Dimier, *Le Portrait du XVI. Siècle*, p. 33.

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collection, and later in that of Mr. Whitehead. I do not know any documentary evidence for the painting of Mary in 1579, but, in the early summer of 1579, she was allowed to send her secretary, Claude Nau, on a mission to her son James VI. He carried papers and presents, and nothing is more natural than that Mary should have sent a miniature of herself, if she could get one, while Hilliard was high in the favour of Elizabeth, and could be trusted to visit the captive Queen. Mary sent to James VI. at this date, small models of guns, in gold, as we learn from the French ambassador of the day.

Nau was not permitted to have an interview with James, then a boy of thirteen, nor was James allowed to receive his mother's gifts. One of the gold guns was among her possessions at Chertley, in 1586, brought back, no doubt, by Nau, from Scotland.¹ Nothing was more natural than that, in 1579, Mary should send to her son her miniature, if she could get it painted. Mr. Whitehead kindly informs me that he no longer possesses this interesting object. It is photographed in the catalogue of the Burlington Fine Arts Club exhibition of 1885 (Plate xxxi). It is an oval, with the usual blue background, inscribed 'Anno Domini 1579, M.R.' The subject, who does not look more than Mary's actual age, thirty-seven, wears a black cap, square in front, baggy behind; a small ruff, hair puffed up at the sides and above the forehead, a double chain of pearls, and a pendant jewel, with no Catholic emblems. The face is still thin, long, and queenly, it is a face to which James's boyish heart might well have gone out, as to a handsome young mother: there is nothing in it of the melancholy *dévoté*, as in the Sheffield type. But whether the M.R. of this miniature was really 'Maria Regina,' or not, I cannot say. The historical environment is certainly plausible and appropriate; in 1579 Mary would, if she could, get a miniature of herself to send, with other gifts, to her boy. Judging by the photograph of this miniature, the eyes, though like the Queen's in shape and setting, are too light in hue to represent her; Mr. Way says that they are grey. In other respects the features are like her own.

¹ Labanoff, v. pp. 89-98.

ANDREW LANG.

(To be continued.)

The Scottish Nobility and their part in the National History¹

THE Scottish nobles undoubtedly bear a bad name in our national history. The general opinion of them, indeed, might be summed up in a single sentence: they bullied weak kings and abetted bad ones, and in each case it was their own selfish interests that inspired them. In passing such a judgment, however, it is well to remember the saying of Burke. It is futile to indict a nation, Burke said, for in so doing we are, in fact, indicting human nature. Though the saying of Burke does not apply with the same force to a class as to a nation, yet if we find a numerous body of men, conditioned by common interests, playing the same part throughout successive centuries, the inference must surely be that they were but following the natural instincts implanted in universal man. Put the worst construction we choose on our historic nobility, our judgment of them must be mitigated by the consideration that had we been in their place we should have been influenced by the same motives, and done our best or worst for the class to which we belonged.

But do the facts of our national history justify such a sweeping condemnation of the general conduct of the Scottish nobility? Was their action so maleficent that it was productive of no single benefit to the country to which they owed their birth and their privileges? In the lives of nations, as of individuals, there are few, if any, unmixed evils, and the presumption is that even taking the Scottish nobles at the worst, they did some good to their nation, even though we may deny them the credit of doing it from disinterested motives. As far as the scope of a single paper will permit, let us follow the action of the Scottish nobles throughout the period when it most directly influenced the national development—not holding a brief for them, but simply

¹Delivered as an Introductory Lecture to the Class of Ancient (Scottish) History in the University of Edinburgh, Session 1905-1906.

trying to see the scope of their action in the light of the general movements of the time. In making such a survey, it is necessary that we should go beyond the limits of Scotland, since in every period of her history Scotland was directly or indirectly influenced by what took place in other countries of Christendom. At one time or other every class in the Scottish nation was affected by the examples of the corresponding classes among other peoples; our kings learned lessons from the kings of France and England, our nobles from their own class in the same countries, and our burghs from similar corporations in England or on the Continent.

It is from the reign of David II. that the action of the Scottish nobles begins consistently to affect the course of the national development. They had been sufficiently in evidence both during the War of Independence and before it, but it was in the reign of David II. that they first began as a class to realise their relation to the Crown on the one hand, and the Church and the burghs on the other. From the necessities of their position their relation to all three was equally that of antagonism. They dreaded encroachments on their privileges by the Crown; they regarded the higher clergy as their formidable rivals in wealth and popular influence; and with a sure instinct they saw in the developing commerce of the burghs the growth of a power that would undermine the very foundations on which their order was based. From the reign of David to the Reformation we can trace in the persistent policy of the nobles the prompting of all these antagonisms, though it is their opposition to the Crown that is written largest in history. At the Reformation, the nobility, like every other class in the nation, came under influences which profoundly affected their position, their aims, and methods of action. Still as an order they continued to maintain the traditions of their origin, and at every crisis we find them animated by the same motives which had actuated them in the period prior to the Reformation. Let us then look at the part which they played during these two periods respectively—that preceding the Reformation, and the century and a half that followed it.

On the death of Bruce in 1329 the Scottish nobles were in a position which for good and ill was fraught with momentous issues for the future of the kingdom. From a policy as necessary as it was prudent at the time, Bruce had made lavish grants of lands to such as had stood by him in his great work of freeing the country from the English domination. In the

case of such families as that of the Douglasses, the grants had been on a scale which made their feudal heads all but the co-equals of the sovereign himself. In every part of the kingdom such feudatories were to be found, and if they had not been divided by rival interests among themselves, it would have been an easy task for them to wipe out the monarchy and set up as petty kings on their own account. Powerful in their own resources, the condition of the kingdom rendered them still more formidable. In the first place, the Crown was lacking in the main elements that gave stability and force to a feudal monarchy. It had been the greatness of Bruce's achievement and not the family claims that he could advance to the throne that had made him the honoured sovereign of his people. His son David came to the throne with all the prestige of his father's name, but his own character and conduct were such as to make his subjects forget the father's glory in the irresponsibility of the son. On his death came the dynasty of the Stewarts, which for essential and accidental reasons was unhappy in all the circumstances that were requisite to establish it in the affection and respect of the country. Through the accident of his father's marriage with Marjory Bruce, Robert II., the first of the Stewart line, inherited the throne, and, though his right may have been indefeasible, it was not forgotten by the proud barons that he had been but one of themselves, and neither the most distinguished nor of the most ancient descent. As it happened, also, the first kings of the House of Stewart possessed none of the qualities that might have compensated for the suddenness of their elevation. Robert II. and Robert III. were both such feeble personages that they remained in tutelage throughout the whole of their reigns. While families like the Douglasses were performing brilliant feats of valour in defence of their country, the kings of Scots, its natural champions, were spending their lives in amiable indolence in such courts as they possessed. From the death of Robert III., moreover, a singular fatality attended the House of Stewart—a fatality which deeply affected the entire development of the country. From the accession of James I. to the accession of Charles I.—a period of two hundred and nineteen years—there was a minority, longer or shorter, in every reign. The effect of minorities in weakening the Crown and strengthening the barons is illustrated not only in the history of Scotland but in that of every feudal country. A French noble at the close of the sixteenth century pithily summed up the traditions of his

order with reference to royal minorities. 'If the King is a minor,' he said, 'we will be majors.' Through this combination of circumstances it was that the Scottish baronage were placed in a position that enabled them to make so light of the authority of successive kings. In other countries, as in France during the Hundred Years' War, the nobles occasionally found themselves in the same relations to their kings, but nowhere did so many circumstances for so prolonged a period make it possible for them to maintain their advantage.

In their relations to the Crown, the nobles of Scotland met with no such serious counter-checks as their class found in England or France. In these two countries during the period of which we are speaking, the kings found strong support both from the clergy and the commons. In Scotland the clergy and the commons were generally on the side of the Crown, but neither the one nor the other was sufficiently powerful to sway the balance steadily in its favour. The time had passed when spiritual terrors daunted kings and nobles alike, and it was only when upheld by temporal authority that the Church could make its influence felt on any class in the country. But, as the kings did not possess this authority, the clergy were unequal to maintaining the balance between the rival powers in the State. And the communities in the towns were equally powerless to turn the scale in the direction they would have wished. It was to the kings that the royal burghs, the most important of the towns, looked for their privileges and the encouragement of their enterprise, but the towns themselves had conflicting interests, and they were incapable of the steady collective action which might have made them an effectual force in the country.

From this survey of the position of the Scottish nobility in the two centuries preceding the Reformation, it will be seen that they had ample opportunity of displaying all the instincts of their class, and it is precisely the manner in which they did display them that has given them their bad name. The iniquities laid to their charge may be ranged under three heads—their addiction to private feuds, their lack of patriotism, and their contempt of the royal authority.

In connection with all three counts, there is a well-known saying which should not be forgotten: 'One century may judge another century, but only his own century may judge the individual,' and the saying holds equally true in our judgment of a class. In applying this maxim, be it noted, we are not

inventing excuses; we are merely seeking an explanation. That private feuds abounded in Scotland at the period under notice, that they were the perennial cause of bloodshed and anarchy, are facts of which there can be no question. But, as the feudal society was constituted, this state of things was in truth as natural as trade competition at the present day. The innumerable bonds of manrent, by which one group of feudatories entered into a paction against their common enemies, are the eloquent commentary on this fact. The root of all the mischief was that each feudal lord was responsible for the life and goods of every dweller on his domain. An unavenged injury to any person or thing, however indirectly connected with him, was at once a personal insult and a derogation from his authority. If he could not defend those who looked to him for protection, the very reason for his existence was at an end. Placed in this position, he was like a spider at the centre of its web, every vibration of which touched the nerve of its occupant. A neighbouring town, a refractory vassal, the lord of a contiguous domain, would injure or insult one of his dependants, and there was a quarrel ready-made which he was bound to see through with all the resources at his command. And it is to be remembered that the feudal baron claimed as his prescriptive right the privilege of making war on his neighbours when all other means of obtaining redress had failed. The kings had, indeed, in large degree succeeded in depriving them of this privilege, but the barons never admitted that it was not their inalienable right.

When such were the responsibilities and such the powers of the Scottish baron of the fourteenth and fifteenth centuries, it can hardly excite our wonder that he was naturally a hot-blooded and turbulent person, ready at any moment to make good his case at the sword's point. As was said, the turbulence of the Scots nobility cannot be gainsaid, but what of the members of their class in other countries? If we take our specimens from Germany, we know that the exploits of a Wolf of Badenoch were of every-day occurrence in that country. The famous Goetz von Berlichingen, of whom Goethe made a hero, was not the greatest sinner of his kind, but the record of his deeds leaves far behind that of any Douglas of them all. In Germany the central authority was even weaker than it was in Scotland; but what was the character of the feudal noble in France, which in the arts of life was in advance of most other countries? Here is a passage from a living French historian, in which

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he describes the French noble of the period of the Hundred Years' War.

'The commanders of the royal armies, those who ought to have been honoured as the defenders of their country, were not less merciless to the common people than the English or the brigands. They violated every law prescribed by the code of chivalry. Charles of Blois, whom the inhabitants of Brittany honoured as a saint, did not even keep his word to towns which had capitulated. Princes of the blood royal committed the most shameful crimes; the Duc de Berri poignarded the Count of Flanders; John the Fearless had his cousin, the Duke of Orleans, assassinated, and he was himself done to death by his kinsman, the Dauphin of France. One of the Dukes of Brittany had his own brother murdered; a certain Count de Foix allowed his son to die of hunger in a dungeon. A certain Sieur de Giac did away with his wife; a certain Sieur de Retz kidnapped little children, and made experiments in sorcery by subjecting them to a slow death.' Such was the French baron of the fourteenth and fifteenth centuries. Paint his Scottish brother as black as we may, it would certainly appear that neither Scottish King nor Scottish people would have made a good bargain by exchanging him.

A second charge against the Scottish feudal nobility is that they were lacking in patriotism. The facts of their history do not justify such a sweeping statement, but it is true that certain of the most eminent of them did not scruple to fight under the English banner against their own countrymen. In the reign of Robert III. the great Earl of March became a renegade because Robert's heir, the Duke of Rothesay, threw over March's daughter, to whom he had been betrothed, and took a wife from the House of Douglas. In the reign of James II., the Earl of Douglas rebelled against his rightful prince, and when beaten, did not hesitate to offer his services to England against his native country. Their action, we say, was detestable, but we have to recall the fact that the relations of the Scottish nobles to their kings had been dubious from the beginning. As many of them owned domains in both countries, their allegiance was a variable disposition, largely determined by the circumstances of the moment. Moreover, the successive hazards of the Scottish succession had unsettled public opinion with regard to dynastic claims. Robert Bruce had made good his claim by his pre-eminence as a soldier and a statesman, but the fact could not be ignored that John Balliol had as good

a right to the throne as he, and on the accession of David Bruce, the son of John Balliol was preferred by many to the son of the hero-King. And the House of Stewart, we have seen, alike from its origin and from the character of its first representatives, did not command such respect and devotion from the Scottish people as to surround it in special degree with the sacrosanct halo of sovereignty.

But the truth is, that in accusing the Scottish nobles of lack of patriotism we are testing them by a standard which we cannot in historic justice apply to them. It may be broadly said that in the fourteenth and fifteenth centuries the idea of patriotism, as we understand it, was hardly realised by any class in any country of Christendom. If any national experience was fitted to awake patriotic sentiment, it was the experience of France during the Hundred Years' War, yet here is how the French historian already quoted describes the conduct of the French nobility during that disastrous period: 'During the so-called English wars,' he says, 'it was Frenchmen themselves who did most mischief to their country. It was Robert of Artois and Geoffrey of Harcourt who incited the first debarcation of Edward III. on the shores of France; it was with an army partly composed of Gascons that the Black Prince gained the battle of Poitiers; it was a French prince, Charles the Bad, who ravaged the Île de France; it was the Duke of Burgundy who opened the gates of Paris to the English; it was a Norman bishop and Norman judges who burned Joan of Arc.' In England patriotic sentiment was more developed than in France, but in the conduct of the English nobles as a class during the Wars of the Roses there is little appearance of a disinterested attachment to their country.

But if we wish a striking illustration of the fact that patriotism was still a rudimentary feeling throughout the period under notice, we may find it in the indirect testimony of two great historians—in Froissart who wrote at the close of the fourteenth century, and De Comines who wrote at the beginning of the sixteenth. Froissart was the brilliant interpreter of the spirit and ideals of the aristocracy of his time, but, set panegyrist of them though he is, it never occurs to him to commend any of his heroes for self-sacrificing devotion to the interests of their country. The idea of patriotism, in fact, is not in his book. There is but one kingdom he knows, the Kingdom of Chivalry—in which every doughty knight, whatever his race or country,

was the free-born subject. As for De Comines, who is such a striking contrast to Froissart in all his modes of thought and feeling, he gave in his own conduct a practical illustration of the little regard in which he held the claims of country. Solely in the interest of his own personal fortunes, he deserted his natural sovereign, the Duke of Burgundy, at a critical juncture in his affairs, and gave his services to that sovereign's most deadly enemy, Louis XI. of France. From these considerations, then, it would appear that in indicting Scottish nobles for lack of patriotism, we are in fact arraigning them for a crime which was at least common to their class, and which it is, in truth, pointless to lay specially at their door.

The other count against them—that of insubordination against their rightful kings—may be regarded as commensurate with that which we have just been considering—their alleged lack of patriotism; and what has been said of the one charge equally applies to the other. The nobles of every country deemed it their right to rise against their kings when their privileges were infringed, and no other means of redress was open to them. The traditional attitude of the feudal nobility to the Crown was, in point of fact, entirely distinct from the attitude of the clergy and the people. For the clergy an anointed king was a sacred being, designated by heaven for his function. He continued the office of Saul and David; it was sacrilege to touch his person, and impiety to question his authority—so long as it was sanctioned by the Church. In the eyes of the people, the sceptre was the divine symbol of the royal authority; the throne, the fountain of justice. The feudal noble had no such exalted notions of the person of the prince. For him he was not the sovereign, but simply the suzerain, the head of the system of which he was himself a member, and, therefore, only *primus inter pares*. It is true that kings had come to impose themselves as sovereigns as well as suzerains over all classes of their subjects, but the original relation was never forgotten by the class of the nobles, and they never failed to re-assert it when it lay in their power. Even into the seventeenth century both French and Scottish nobles, Protestant as well as Catholic, found the opportunity of reminding their kings of the original bond between them. The French nobility in the reign of Louis XIII. and the Scottish nobility in the reign of Charles I. convincingly proved to these kings that they had not forgotten the traditions of their order.

Thus far we have only been seeking to understand the

conditions which underlay the action of the Scottish nobility. But the more important question remains, What was the general tendency of their action in the development of the country? Had it no beneficent result on the well-being of the Scottish people, no saving influence on constitutional liberty? An adequate discussion of these questions would require much larger scope than a single lecture, but a few points may be suggested for consideration, and be it remembered that we are still concerned with the atrocious two centuries preceding the Reformation.

It would certainly be a large assumption to maintain that in the strife between king and noble, the king was always right and that the noble was always wrong. In the reign of Robert III., one of his Parliaments passed an Act which is thus suggestively described: 'The misgovernment of the realm to be imputed to the king and his officers.' After all due allowance for the exaggerated language of statutes, the 'misgovernment' must have been sufficiently serious, as an Act of a previous Parliament of the same king speaks of 'horrible destructions, herships, burnings, and slaughters commonly done through all the kingdom.' But this was, in greater or less degree, the condition of the country throughout the feeble reigns of Robert II., Robert III., and James III. That the miseries were mainly due to the weakness of these kings is proved by the simple fact that under the vigorous rule of James II. and James IV. order and peace were firmly maintained throughout the country—the Highlands always excepted. As a remedy for misgovernment, the Parliament already mentioned, following the example of the French States-General, enacted that the king 'to excuse his defaults' should summon his officials before his Council and charge them with their misconduct. Whatever may have been their motives, the barons who passed this Act must be credited with going to the root of the evils from which the country was suffering.

In another action of the nobility they were undoubtedly in the right, and the kings in the wrong. In the interests of France rather than in the interests of their own kingdom, one Scottish king after another insisted on leading an invading host into England, and in almost every case with disaster. On such an expedition David II. was taken at Neville's Cross, and the payment of his ransom was an incubus on the country for half a century. Had James IV. listened to the advice of his barons, Scotland would have been saved the calamity of Flodden. Once and again the Duke of Albany, who acted as Regent during the

minority of James V., would have crossed the Border in the interests of Francis I., and was only prevented because the barons refused to follow him. James V., who married two French wives in succession, would have repeated the enterprise of his father, and the discreditable Rout of Solway Moss was the result of the hereditary policy of the Scottish kings, consistently opposed by their refractory nobility.

But the attitude of the Scottish baronage to their kings may be regarded under a wider aspect, and one that reveals a principle in their action which was to be of potent effect to the close of the constitutional history of the country. Throughout the fourteenth and fifteenth centuries it was the universal endeavour of kings to make themselves the absolute masters of their subjects. In England the endeavour resulted in the Tudor despotism, in France and Spain in a government of the same pattern. The nobles of Scotland, we may be sure, saw what kings were driving at in other countries, and they had the will and the power to check the process in their own. The English lawyer, Sir John Fortescue, writing in the fifteenth century, says of the King of Scots 'that he may not rule his people by other laws than such as they assent unto.' That the Scottish constitution could be thus described must undoubtedly be put to the credit of the nobles, for the Commons did not count as a force in the legislative action of the country. To the Scottish nobles it was due that this idea of a monarchy limited by the will of the subject maintained itself in Scotland long after it was ignored or forgotten in other countries. Not till the reign of James VI. did any Scottish sovereign succeed in making himself a ruler after the type of Henry VIII. or Francis II., who issued his mandates with the formula—'Such is our royal pleasure.' James VI., even before his migration to England, substituted government by his Privy Council for government through the Estates, and the precedent was exactly followed by his successors, Charles I. and Charles II. But the conception of a limited monarchy for which the nobility had contended was never forgotten in Scotland. It was in accordance with this conception that the Parliament which met in 1641 during the struggle of the Covenant enacted that all the Officers of State should be chosen by the king with the advice and approbation of the Estates, and it was on the same foundation that Fletcher of Saltoun based his patriotic appeals in the Parliament of the Revolution. Deplore as we may, therefore, the

turbulence of the Scottish nobility during the fourteenth and fifteenth centuries, it is yet to them that Scotland owes that tradition of constitutional liberty which was finally assured by the Revolution of 1689.

A few words remain to be said regarding the action of the Scottish nobles during the period of the Reformation and the century and a half that followed it. We have been long familiar with the picture of the typical Scottish noble of the Reformation. As he has been commonly represented, he was actuated by but one motive in all his conduct—the desire to lay his hands on the spoils of the ancient church. If such were, indeed, his only incentive, he was at least not alone in his sins, for precisely the same charge is brought against his class in England, Germany, and France. But the truth is that this is too simple a method of treating such a complicated thing as human nature. We remember the saying of Hazlitt that no man ever acted from a single motive, and the saying is as applicable to a class as to the individual. It is an assumption we are not justified in making, to say that nobles like the Lord James Stewart, and the Earls of Argyll and Glencairn, who were chiefly responsible for effecting the change of religion, had no sincere conviction that they did what was right in the interests of truth and the interests of their country. But waiving the question of motives, regarding which the historian does well to be reticent, we cannot overlook one incontrovertible fact; for good or ill it is to the Scottish nobles that we largely owe the Reformation. In Scotland, still essentially feudal, there was no other power that could have effected a revolution which so completely wrenched the nation from its past. Without the support of the nobles the zeal of Knox and his brother reformers could not have accomplished it. The inhabitants of the chief towns all but unanimously favoured the Reformation, but they were powerless to take the initiative without their natural leaders, and as society was then constituted, these leaders could only be the nobles. In Scotland, it is to be remembered, it was in defiance of the sovereign that the Reformation was accomplished, and had the nobles as a body taken sides with the Crown, the reforming movement in Scotland would have been as abortive as it proved in Spain.

The decisive influence of the nobles in affairs of religion is equally conspicuous in the ecclesiastical struggles of the seventeenth century. By the beginning of that century they had from a variety of causes become changed creatures; they had, in fact,

undergone the process which had already taken place in the other kingdoms of Europe. In these countries the intractable feudal baron had been transformed into the obsequious courtier whose chief ambition was to bask in the sunshine of the royal presence. The Scottish noble in his travels saw the splendour of foreign courts, and the grace and accomplishments of the representatives of his own order, and he realised that there was a life more attractive than his grim isolation in his hereditary keep. Thus the Court laid its spell upon him, and henceforward it was to royal favour and not to his sword that he looked for the advancement of his interests. And James VI. had effectual means in his power to foster this new disposition in his nobility: he gorged them with the Church lands which an Act of Parliament, passed in 1584, had definitely annexed to the Crown. Then it was seen how little the Presbyterian ministers could help themselves when the nobles were detached from their interests. Had the nobles been on their side, James would never have succeeded in his policy of imposing Episcopacy on his Scottish subjects.

But, as was to be convincingly proved in the reign of James's successor, the claws of the nobles had not been thoroughly pared. Their hereditary instincts, the memory of their former privileges were too deeply engrained for them to submit tamely to the sweeping measure with which Charles I. began his reign in Scotland. By his famous Act of Revocation Charles recalled all the grants of the Church property which his father had so profusely squandered among his courtiers. It is true that Charles offered what he considered an adequate compensation, but this was not the opinion of the class who were mainly interested in his measure. For a time, indeed, they were constrained to accept the terms which their royal master imposed on them, since the days were gone by when they could levy their retainers in mass, and beard him in his own palace. But the opportunity speedily came when they could show him that they were still the same race who had dictated terms to his ancestors and brought them to their knees. By the imposition of Laud's Service-book, Charles roused the national feeling which produced the National Covenant, and for the time reduced the Crown to impotence. But in the case of this revolution, as in the case of the Reformation, it was again through the joint action of nobles and commons that these results were accomplished. Mighty as the tide of national feeling was, it would have expended itself in vain, had it not been directed and concentrated by the action

of the chief nobility. Here, again, the question of motive recurs. Were the nobles as a body mainly influenced by the desire to recover their arrested domains, or were they sincerely convinced that the Covenant was a righteous protest against a king who had overstrained his prerogative? However this may be, it is at least an indisputable fact of our history, that without the collaboration of the nobles neither the National Covenant nor the Solemn League and Covenant would have been brought to birth by the Scottish people.

The power of the nobles for good or evil is continuously illustrated to the close of the constitutional history of the country. As the conflict between Charles and his people developed, the instincts of their class again prevailed. By the domination of the Church and the domination of the people they saw the privileges of their order threatened as they had been previously threatened by the king. Now, therefore, they threw themselves on the side of the Crown, and with the result that their defection proved the temporary ruin of that Presbyterian policy of which the Covenants had been the triumphant expression. Under the reigns of Charles II. and James II. they are hardly recognisable as the ancient nobility of Scotland. Now, indeed, their teeth were drawn and their claws effectually pared. Such of them as chose to make themselves the agents of the policy of their kings were salaried and nominated officials who had no option but to give effect to the royal pleasure.

But before their story closed, they were yet to give signal proof of their predominant influence in the country. In the Convention that met in Edinburgh after the flight of James VII. the great majority of them declared for William of Orange, and their action decided that, so far as Scotland was concerned, the Revolution was to prevail. Had that majority cast its sword on the side of Dundee, in all probability Scottish history would have followed a different course. But the last action of the Scottish nobility was perhaps the most memorable and momentous in their devious and checkered history: to them we mainly owe the constitutional union of the Parliaments of England and Scotland. In the last Scottish Parliament which expressly met to deliberate on the articles of the Treaty, the votes of the representatives of the burghs and the shires were equally divided, while the vote of the majority of the nobles was cast for Union. Had that vote not been given, the Union must at least have been postponed, and the result of delay on the conflicting interests and the seething

passions of the hour both countries would alike have had occasion to regard with well-founded apprehension.

From this survey of the successive action of the Scottish nobles, one conclusion at least is forced upon us: no similar class has played a more conspicuous and more decisive part in the nation to which it has belonged. Once and again they had the destinies of the country in their hands; it was they who gave Scotland its limited monarchy; the Reformation and the Covenants were largely their work, and but for them the Revolution and the Union might have had no place in our history. With this record of their action before us, can we doubt that in considerable measure Scotland owes to her nobility what she is to-day?

P. HUME BROWN.

‘Charlie He’s My Darling’ and other Burns’ Originals

THAN the classic version of ‘Charlie He’s My Darling’ there is perhaps no more popular or graceful Jacobite lyric—none that expresses more happily the romantic personal devotion with which the young Chevalier inspired his followers. Yet its origin has hitherto been partly involved in mystery. The classic version first appeared in vol. v. of Johnson’s *Scots Musical Museum* (1796). No signature was attached to it; but the connection with it of Burns is proved by a copy of it in his handwriting in the Hastie MSS. in the British Museum. In his notes to Johnson’s *Musical Museum*, Stenhouse hazarded the remark: ‘This Jacobite song was communicated by Burns to the editor of the *Museum*.’ Thus from no data whatever he inferred (1) that the lyric was a contemporary Jacobite song, and (2) that it was merely communicated by Burns; and that admirable antiquary, David Laing, who edited Stenhouse, did nothing either to amend or supplement this very bare and, at the same time, very bold comment. Even the Ettrick Shepherd, who had private access to many Jacobite originals, has very much the same story, and printed the *Museum* version in his *Jacobite Relics* as the ‘original’ one, inserting at the same time a ‘modern’ version, doubtless his own:

‘As Charlie he came up the gate,
His face shone as the day;
I gat to see the lad come back
That had been long away,’ etc.,

as if to show how inferior a bard Hogg himself was to the unknown Jacobite lyrist! And not only Hogg, but Lady Nairne—whose ancestors had fought and bled for Charlie and his sire, whose own poetic spark was perhaps first kindled at the flame of Jacobitism, and whose Jacobite lyrics breathe the

true romantic fragrance of Jacobite devotion—even Lady Nairne knew nothing of another Jacobite 'Charlie He's My Darling' than that sent by Burns to Johnson's *Museum*; but apparently failing to relish the love *motif* of the song, she vainly attempted to supersede it by a production which, though irreproachably respectful, is, for Lady Nairne, exceptionally tame. Unlike Hogg, she thought fit to parody the *Museum* song, for it was the *Museum* song and no other that she had before her. The first stanza she appropriated bodily, and it may suffice to quote her second:

'As he came marching up the street,
The pipes played loud and clear;
And a' the folk came running out
To meet the Chevalier!'

Nor have editors of Burns' poems been able to come to a satisfactory decision in regard to the lyric. Some, boldly treading in the footsteps of Stenhouse, Hogg, and Lady Nairne, omit it altogether; others, with perhaps even greater temerity, include it, without comment, as the production of Burns alone. In the *Centenary Burns* Mr. Henley and I deemed it advisable to adopt a more cautious attitude, the opinion being expressed that it 'was probably suggested by some Jacobite lyric'; and the facts show that this prognostication, if not quite correct, was not altogether wrong. That Burns would pass a Jacobite song, or a song having connection with Jacobitism, through his hands without leaving on it traces of his impress is hardly credible, even without direct evidence of the amending process; but in this song, as sent to the *Museum*, there are internal characteristics to suggest his part authorship. Not merely is it, artistically, a masterpiece among Jacobite lyrics, but it is in a different plane of excellence from that of the contemporary Jacobite productions. Moreover, it bears marks of interpolation, as well as of condensation or excision; and, above all, it seems instinct with the unmistakeable personality of Burns. Still, since he did not sign it, those with whom internal evidence counts for nothing have naturally taken for granted that the *Museum* song is a *bona fide* Jacobite production.

A faint suggestion that the *Museum* version is not the undiluted and complete original is to be found in a somewhat rare Falkirk chapbook, printed by T. Johnstone, 1814. This chapbook contains a 'Charlie He's My Darling,' which includes most of the *Museum* stanzas with a few additional ones; but even if

this fact were known to editors and Jacobites, it might be argued, with some plausibility, that the song was merely a very base parody or corruption of the *Museum* lyric. Those stall copies, be it remembered, were prepared for the frequenters of the Falkirk cattle trysts, with whom quantity was of more importance than quality, and who also preferred their literature, like their whisky, raw and rough. To cater for their rude patrons the Falkirk editors were not unaccustomed to 'improve,' both by additions and emendations, even the avowed productions of Scotia's favourite bard, and that they should adopt liberties with the *Museum* text of an anonymous production is quite what we might expect.

It so happens, however, that I have lighted on another 'Charlie He's My Darling' in a volume containing a large number of rare white-letter broadsides, the majority of which are dated either 1775 or 1776. The 'Charlie He's My Darling' broadside—which also includes 'The Wandering Shepherdess' and a version of 'O'er Bogie'—is undated, but print and paper are identical with those of the 1775 and 1776 sheets, and one of the engraved emblems, the face of the sun, is identical in every detail with that on several of the dated sheets. Further, among other emblems are the arms of Marischal College, Aberdeen, and a crowned head of George II. the latter being indication of a date anterior to the period of Burns's poetical activity.

But there are also indications, in other sheets, that Burns probably had access to this very volume of broadsides. The third stanza of the *Museum* song is:

'Sae light's he jimpèd up the stair,
And tirl'd at the pin;
And wha sae ready as hersel'
To let the laddie in!'

Now there is nothing corresponding to this in the white broadside song, 'Charlie He's My Darling.' There are, of course, frequent references in the old ballads to 'tirling at the pin,' or 'knocking at the ring'; and the expression 'tirl'd at the pin' is employed with weird effect in the ballad of 'Sweet William's Ghost,' as well as in the 'Lass of Lochroyan':

'When she had sail'd it round about
She tirl'd at the pin,
O open, open love Gregory,
Open and let me in.'

But no Scottish stanza more closely analogous to the 'Charlie' stanza was seemingly in print until after the death of Burns, although two afterwards appeared in versions of at least two distinct ballads 'taken down from recitation.' They may derive from stanzas in two black-letter ballads, 'Fair Margaret' and 'Lord Thomas and Fair Ellinor,' at least no earlier source is known. Here is the 'Lord Thomas' stanza:

'But when he came to Fair Ellinor's bower
He knockèd at the ring;
But who was so ready as Fair Ellinor
for to let Lord Thomas in!'

Burns probably knew this ballad, but in the white broadside volume of 1775-76 there is an otherwise unknown version of the same ballad which contains a Scottish rendering of the stanza. It is of interest for other reasons, is entitled 'An Excellent Song—Lord Thomas' Tragedy,' and is dated April 27th, 1776. This is the stanza which concerns our present purpose:

'And when she came to Lord Thomas' gate
She tirl'd at the pin,
And ready was Lord Thomas himself
to let Fair Eleanor in.'

Burns seems to have had both versions in remembrance when revising 'Charlie.'

But there are more distinct signs than this of Burns's probable familiarity with the volume. Of that very touching lament, 'The Lowlands of Holland,' there are two well-known versions: that in Herd's *Scottish Songs* and that in Johnson's *Museum*. That Burns had any connection with the latter version Stenhouse had no suspicion; indeed he denounced one stanza as 'spurious nonsense,' and hitherto no one has challenged the verdict of Stenhouse. Yet this same version is found in the handwriting of Burns in the Hastie Collection, and without doubt Burns made use not only of the Herd version, but of another and longer version of 1776 found in the broadside volume. He amended the latter mainly by condensation, the chief contribution of his own being a vivid couplet:

'The stormy winds did roar again,
The raging waves did rout,'

for

'The weary seas did rise,
The sea began to rout.'

But other broadside copies of later date exist, and thus the evidence this broadside supplies of Burns's acquaintance with the 1775-76 volume is only slightly corroborative. A much more important link in the cumulative proof is the fact that the volume contains the original of the song, 'The Taylor,' sent by Burns to the *Museum*, and generally assigned unconditionally to Burns himself. That song derives undoubtedly from a unique and curious production of some twenty stanzas, 'The Taylor of Hoggerglen's Wedding,' which is included in a broadside dated 3rd February, 1776. The two stanzas of 'The Taylor' sent by Burns to the *Museum* were merely selected from the broadside song, all that is really his own being the final chorus:

'For now it was the gloamin,
The gloamin, the gloamin!
For now it was the gloamin,
When a' the rest are gaun, O.'

Although a rude, and even coarse, production, the broadside song is of interest as a rare specimen, in its probable entirety, of the lyric effusions of the older Scottish rustic muse. It gives a graphic and uncompromisingly literal account of the adventures of a travelling tailor of the olden time, and relates with humorous fidelity his courtship of the heiress of a farmer's widow. The idyll is not one of rustic innocence, but all ends morally and happily enough in the tailor's apotheosis as laird of the farm:

'And now the taylor's married,
is married, is married!
And now the taylor's married—
made laird o' Hoggerglen O!'

But it is, perhaps, time to introduce the original 'Charlie He's My Darling,' or at least a portion of it, for there are several stanzas, which, after the lapse of a century and more, no longer quite accord with current notions of propriety:

'It was on Monday morning,
right early in the year,
That Charlie he came to this town,
recruiting grenadiers.
And Charly is my darling,
my darling, my darling,
And Charlie he's my darling,
the young Chevalier.

'Charlie He's My Darling'

'As he came walking up the street,
the city for to view;
He spy'd a maid, both young and sweet,
at a window looking through.
And, etc.

'Then he pull'd out a purse of gold,
it was as lang as her arm,
Here take you that, dear Jenny,
it will do you no harm.
And, etc.

'Its up the rosy mountain,
and down the scroggy glen,
We dare not go a milking
For Charly and his men.
And, etc.

'And on her best, herself she drest,
most comely to be seen,
And for to meet her true love
she's gone to Aberdeen.
And, etc.

'But when she came to Aberdeen,
this bony lowland lass,
There she found her true love
was going to Inverness.
And, etc.

'But when she came to Inverness
she curs'd the day and hour
That her true love was forc'd to fly
and leave Culloden Moor.
And, etc.

'Now he's gone and left me,
I'm forced to lie alone,
I'll never choose another mate
till my true love come's home.
And, etc.

'If I were free, at liberty
and all things at my will,
Over the see I soon would be,
for I vow I love him still.
And, etc.

'And now my song is ended;
I hope I have said no harm.'

The ballad, it will be seen, is very dubiously Jacobite in sentiment. Most probably it has reference to the affair of Clementina Walkinshaw. She rejoined Prince Charlie in France on his escape from Scotland and became the mother of Charlotte Stewart, whose hard fate in being debarred from her supposed heritage, the throne of her ancestors, is lamented by Burns in 'The Bonie Lass of Albanie.'

The fine stanza in the 'Charlie' ballad beginning

'Its up yon rosy mountain'

seems related to some song on Charlie's wanderings while in hiding, the 'men,' it may be, being originally those not of Charlie but of Cumberland, who were nearly always swarming in the neighbourhood of Charlie's hiding places. The words 'sae comely to be seen,' of another stanza, are also worthy of remark. They occur in the ballad of 'John of Hazelgreen,' whence Scott introduced them into 'Jock o' Hazeldean,' and they may occur in other old ballads, so that the author of this curiously unequal production was probably well versed in old ballad literature.

In any case this broadside version—wherever Burns may have seen it—is clearly the original of the song sent by Burns to Johnson's *Museum*. It was from this piece of tawdry patchwork that he fashioned his consummately graceful lyric. His main emendations were those of omission: his own direct additions are slight in quantity, however remarkable in quality. He reduced his original from eighteen stanzas to five. In Stanza I. he superseded 'recruiting grenadiers' by the 'young Chevalier'; in Stanza II. he substituted a 'bonie lass,' used elsewhere in the ballad, for 'a maid both young and sweet'; for the desired romantic touch, wholly absent from the original, he had for Stanza III. recourse, as we have seen, to the stanza from 'Lord Thomas,' or rather three amended lines of it, introduced by his own inimitable

'Sae light's he jimpèd up the stair';

for Stanza IV. he condensed Stanzas IV. and V. of his original, substituting

'For brawlie weel he kend the way'

for

'For he had on his trousers,'

M

the stanza reading :

'He set his Jenny on his knee
All in his Highland dress ;
For brawlie weel he kend the way
To please a bonnie lass.'

a thoroughly rustic conception of the ceremonies of courtship ; and for his fifth and last stanza he selected the only supremely excellent one of the original almost unchanged, but for the substitution of 'heathery' for 'rosy' in the first line :

'Its up yon rosy mountain,' etc.

But the seeming slightness of the amendments, the result obtained being considered, only the more strikingly attests the delicate artistic gifts of the amender ; and perhaps the Bard, in his rôle of vamer, never did more brilliantly. Moreover, he had the satisfaction of transforming, by a few touches of his magic wand, a dubiously Jacobite ballad into a lyric, which up till now has been accepted by many as one of the chief achievements of the Jacobite muse.

T. F. HENDERSON.

Greyfriars in Glasgow

IN the year 1391 Glasgow came in a rather peculiar way into contact with the Friars-minors. In March of that year Pope Boniface IX. issued letters to the Chapter of the Cathedral, to the clergy and to the people of the City and Diocese, on the death of Cardinal Walter Wardlaw, Bishop of Glasgow, appointing John Framysden, a Friar minor in priest's orders to the See. This provision by the Pope did not hold, however, as we find that Matthew de Glendenwin, Canon of Glasgow and Rector of Cavers in the Diocese of Glasgow, Master of Arts,¹ was consecrated in 1387.² Cardinal Wardlaw died in that year, so that Pope Boniface was several years too late in making his provision in favour of the Friar.

If John Framysden had become Bishop, it is safe to say that his order would have obtained an earlier settlement in our city than it did. In the actual course of events, more than eighty years elapsed before the first recorded establishment of the Franciscans in Glasgow took place.

When Æneas Sylvius Piccolomini, after his well-known and remarkable early career, ascended the Papal throne as Pius II. in the year 1458, he left behind him the intrigues and questionable devices of his earlier years, and proved an able administrator and a decorous and zealous Head of the Church. He had been employed in diplomatic missions (1432-35) before he took orders, and had visited Scotland and England, and thus knew our country from personal observation.

A recent historian has pictured him as coming 'into the frozen North like a shivering Italian Greyhound on a curling rink.'³ He has shivered, however, it must be admitted, to some purpose, as he has left two inaccurate and somewhat contradictory, but

¹ Bliss, *Calendar of Papal Registers (Papal Letters)*, iv. 222.

² *Reg. Epis. Glas.*, i. 293. A charter regarding the Hospital at Polmadie is dated 1391, this year being called the fourth since Bishop Glendinning's consecration.

³ Lang, *History of Scotland*, i. p. 315.

yet interesting accounts of his visit.⁴ His interview with James I. forms the subject—treated in a very fanciful way—of one of the celebrated fresco-paintings by Pinturicchio on the walls of the Library of Siena Cathedral.⁵ The background of the fresco is a conventional Italian landscape in all the bloom of summer—the real month was December or January—the Court of King James is seated out-of-doors under an Italian portico, and the king on the throne is a venerable old man with a long grey beard. So much for the truth of contemporary art.

The future Pope arrived at Leith after a very stormy voyage from Sluys, and in performance of a vow made on board ship, when shipwreck seemed imminent, his first care on landing was to set out barefoot on a pilgrimage to the most celebrated shrine of Our Lady in the East of Scotland. This was Whitekirk (*Ecclesia quae vocatur Alba*) in Haddingtonshire, a charming old Church still used for divine service. Æneas, by this walk of ten miles, in wintry weather over roads not too well made, so injured his feet that he had to be carried back to Edinburgh in a litter, and it seems that he was lame during the rest of his life.⁶

One result of his visit was, that as an early Traveller in Scotland he had personal knowledge of the country, and thus, when he became Head of the Church, he was impelled to make provision for what he considered its religious wants. Accordingly on 9th June, 1463, in the fifth year of his Pontificate, he issued a Bull to the Vicar-general of the Ultramontane Province of the Observant Franciscans.

The Observants originated towards the end of the fourteenth century in a desire to return to the primitive observance of the rule of St. Francis. In 1415 they obtained formal recognition from the Council of Constance, and were assigned a separate head or Vicar-general.⁷ They ultimately obtained from the Pope precedence over the Conventuals, as the older section was termed. At the dissolution they numbered about twelve houses in England, and eight or nine in Scotland. It was to this section of the Greyfriars that the Pope in 1463 issued his Bull. In it

⁴ Hume Brown, *Early Travellers in Scotland*, p. 24.

⁵ Kitchin, *The North in the Fifteenth Century in Ruskin in Oxford and other Studies*, p. 236.

⁶ *Ibid*, p. 235. It was put forward as an objection to his election as Pope in 1458 that he was a cripple, and thus could not take part with the necessary dignity in the ceremonies falling on him as the Head of the Church.

⁷ Little, *Greyfriars in Oxford*, p. 88.

he states that he has lately learned through devotion of his most dear daughter in Christ, Mary, illustrious Queen of Scotland,⁸ and her people, that at the request of certain Merchants, the Vicar-general has sent certain brethren of his Order, for the purpose of preaching, into that country in which as yet no house of Observant Friars has been erected, although this would seem to be in the highest degree both useful and consonant to the desires of the people. 'We, therefore,' the Bull proceeds, 'who desire the salvation of all, by these presents grant to you, and to your successor for the time being, liberty within the said Kingdom of Scotland to erect, found and build or to accept equally freely three or four Friaries (*tres aut quatuor domos*) in the event of any persons being found who are led by pious motives to their foundation and erection: As also to receive under the rule of your Order two or three houses of Conventual Franciscans (*duas aut tres domos Conventualium*) where the wiser part or majority consents thereto: Always provided that the Ordinary (*i.e.* the Bishop) agrees to this.'⁹

It will be noticed that the Pope states that he is aware that before the date of this Bull (1463) brethren of the Order of Observantines had been sent into Scotland for the purpose of preaching, but he adds that 'no house of Observant Friars has been erected.' It is evident that these words must be understood in a special sense—that by 'erected' is meant legally sanctioned by the Church—for one or more Observant Convents had found a location in this country before this date.

No time was lost in formally establishing several houses of the Observant Order. Friaries were founded in Glasgow, Ayr, Elgin, Stirling, and Jedburgh. They had already been located in St. Andrews, Edinburgh, Aberdeen, and Perth, and were now taken over as regular Observant houses.

The Observants were a protest from within against the laxity of discipline which was sapping the devotion and piety which characterised the early Franciscans. They thus had, to some extent, the elements of vitality attaching to all real reforming movements.

In Scotland they found a welcome not only from the King and nobles, but also from the Clergy and people.

In Glasgow they were settled between 1473 and 1479—the exact year is uncertain—on a site gifted partly by John Laing,

⁸ The Queen Dowager, Mary of Gueldres mother of the young King James III.

⁹ *Monumenta Franciscana*, ii. p. 264.

Bishop of Glasgow, and partly by Thomas Forsyth, Rector. This ground, the northern portion of which was part of the lands of Ramshorn, belonging to the Bishop, and the remainder part of a croft belonging to the parsonage, was situated immediately to the west of Greyfriars' Wynd, now known as Shuttle Street.¹⁰ It did not front the High Street. True to their principles of humility and poverty, the Minorites were content with a site behind the yards and gardens of the burgesses, which stretched back from their dwellings, facing the High Street, to a narrow lane.¹¹ This lane formed the access to the House of the Franciscans, and thus came to be called Greyfriars' Wynd. From the fact that the site obtained by the Friars was given to them by the Bishop and Rector, we infer that the coming of the Friars met with the express approval of the Bishop and his Clergy. This ground, slightly extended as afterwards noticed, was, as far as is known, the only landed possession in the City belonging to the Minorites. Hence they had no Chartulary to record transmissions. King James III. confirmed them in this site, by Charter under the Great Seal, dated 21st December, 1479.¹²

In 1511 Archbishop Betoun, and Robert Blacader, then parson of Glasgow, for their respective interests, conveyed to the Friars a small additional strip of ground on the west, for the enlargement of their Friary and gardens.¹³ This ground, so far as it formed part of Ramshorn, was twenty-two feet in breadth, and the portion given by the parson who acted with consent of the Chapter, was twenty feet in breadth. The pieces, taken together, extended from north to south along the whole length of the wall enclosing the Friars' property on the west. We learn one or two particulars regarding the Friary from the Protocols in which these infeftments are recorded. Thus we know that

¹⁰ The writer is indebted to Mr. Robert Renwick, Depute Town-Clerk of Glasgow, editor of *Glasgow Protocols*, for valuable suggestions and corrections. Mr. A. B. McDonald, City Engineer, and Mr. Renwick have collaborated in the preparation of the *Sketch Plan* of the site and surroundings of the place of the Greyfriars, which is in itself an illuminating contribution to sixteenth-century Glasgow topography.

¹¹ This is shown by a Protocol printed in the *Diocesan Registers*, vol. ii, p. 71. See *Sketch Plan*.

¹² *Reg. Mag. Sig.*, 20 Jac. iii. No. 1434. By this Charter their convents in Edinburgh, St. Andrews, and Aberdeen, as well as that in Glasgow, were confirmed to the Friars. The consideration moving the King to this is stated to be the singular favour and devotion which he bore towards them as well as his soul's safety.

¹³ *Diocesan Registers of Glasgow*, ii. pp. 431, 435.

the Friary gardens stretched to the west, and that they were surrounded by walls, and that it was for extension not only of buildings, but also of the gardens, that these additional pieces of ground were required. At this time Friar John Johnson was Warden (*Gardianus*)¹⁴ of the Glasgow house, and he took instruments from a Notary as evidence that possession had been given to Brother James Pettigrew, Provincial of the Order in Scotland, on behalf of the Friars and their successors.¹⁵ It was a comparatively small addition which was obtained at this time, but, even this, it is carefully recorded, they held in virtue of a special concession from the Pope enabling them to acquire such property adjoining their houses as might be necessary to improve the accommodation or amenity. The Dominicans and Minorites were thus both within almost a stone's-throw of each other in Glasgow, and there would doubtless be occasional bickerings between them. Yet each would stimulate the other to more zeal, a quality in which neither Dominicans nor Franciscans were wanting. More than two hundred years before this date, the unfortunate Jacques de Molay, last Grand Master of the Templars, in a letter written to Pope Clement V., quotes the friendly rivalry of the two Orders of Friars, as an argument against the fusion of the Templars and Hospitallers, which was proposed by the Pope. His words are so interesting, that I venture to quote them: 'There is,' he writes, 'an outstanding example of the advantage of friendly rivalry in religion in the case of the Friars' Preachers and Minorites, who have many better and more famous members than would be the case if both religious orders were fused into one, since each bends its energies to have more excellent men than the other, and trains its members as much to their

¹⁴The word '*Gardianus*,' according to the General Statutes of the Order enacted at Barcelona in 1451, is the official title of the head of a Convent (*conventus*). This latter name is to be applied only to places founded by Papal authority in which at least twelve brethren can be comfortably accommodated. If the term *Gardianus* is used in its strict sense it follows that from its employment in the Protocol at least twelve brethren could find suitable accommodation in the Convent at Glasgow. (Cf. *Mon. Franc.* ii. p. 106.)

¹⁵*Diocesan Registers of Glasgow*, ii., pp. 432, 435-6. James Pettigrew (Petigreu, Pedigrew) is commemorated in the Obituary of Aberdeen as follows: '7th January, Death of the reverend father Friar James Petigrew provincial minister of this province, a father in every way famous. For he was most enlightened in the highest points of sacred lore and a shining example of entire religious devotion. Before receiving the office of minister he thrice ruled the province well and worthily in the office of provincial. Anno Domini 1518.' (*Monumenta Franciscana*, vol. ii. p. 123.)

holy Office as to exhortation and preaching the Word of God, and all this contributes to the benefit of Christian people.'¹⁶

No doubt there is truth in this view, but it shuts the eyes to the jealousies caused by religious rivalries. In a limited sphere such as Glasgow then was, these jealousies tended at times to break out into open opposition.

Unfortunately, we have no materials which would enable us to construct a connected history of the Order in Glasgow, or elsewhere in Scotland. All that can be done is to glean a very few scattered notices.

Two years after the date when the additional ground was acquired, viz. in 1513, the curtain is again lifted, and we see, on Saturday, 9th April, at two o'clock in the afternoon, a small gathering of clerics before the door of the manse of the Treasurer of the Glasgow Diocese, Alexander Inglis, who lies within his house, sick in all likelihood of a mortal malady. This little group of five consists of four Observant Franciscans belonging to the Glasgow Convent, who along with Master Andrew Sibbald, Prebendary of Renfrew, have been drawing up and witnessing the Testament of the sick man.¹⁷ The Franciscans are Brother John Johnston, Warden, and Brother John Tennand, Cleric, and Alexander Cottis and Thomas Bawfour, lay-brothers. We know from the Diocesan Registers that the Treasurer died soon afterwards, as we find a claimant to his vacant stall in the Cathedral, sending his Procurator on Saturday, 2nd July, to take formal possession on his behalf. This he did by keeping the seat warm by sitting in it at all the services for three consecutive days.¹⁸ At the same time the Executors, nominated by the late Treasurer, appeared in the Cathedral, and declined to accept the office to which they had been appointed. There were four witnesses to this formal step, one of whom is Brother John Akinhede, Observant Friar Minor.

We have no further records of the Friars in Glasgow till the year 1539, when there occurred the trial for heresy and burning at the stake in our City of two persons, one of whom was Jerome, or Jeremy Russell, a Franciscan Friar. Details of his trial and death are given by Knox, but we are not informed if he belonged to the Glasgow Convent, and no particulars of his previous career are set forth.¹⁹

¹⁶ Delaville le Roulx, *Gartulaire des Hospitaliers*, T. iv. No. 4680.

¹⁷ *Diocesan Registers of Glasgow*, ii. p. 486.

¹⁸ *Ibid.* p. 495.

¹⁹ Knox, *Works* (Laing's Edition), vol. i. p. 63. Tytler, *History of Scotland*, vol. v. p. 225.

Coming down to the period of the Reformation, the Protocols of the Town Clerks disclose to us the fact that Brother James Baxter was one of the Franciscans ejected from their House here.²⁰ In the autumn of 1559, as stated in Leslie's *History*, there had been attacks on the Churches and Religious Houses in the City. We are told that Châtelherault, Argyll and Arran, along with some others, came to Glasgow, and, to use the words of Leslie, 'profaned the sacred things hitherto unviolated.'²¹ The Greyfriars suffered among the other religious orders. Their house here was attacked, and they themselves driven forth.

It is often supposed that the Mendicant Orders must have been worse than their neighbours, seeing that they were the first to suffer in these popular tumults. This view is not tenable. All that happened to them resulted from the fact that they bulked more largely in the public eye, and were living surrounded by the lawless element at all times to be found in towns. They were known to the people, for they were continually mixing among them. Their houses were known also, and being easily accessible and undefended, were convenient objects of attack. It was the handiness of situation in the towns that made the Friaries the first religious houses to be devastated, not the character of the inmates. Whatever the faults of the Friars were, it cannot be said that they lacked zeal and energy. In many cases they were distinguished for cheerful devotion to duty. If they were found grasping after money, it must be remembered that it was not for themselves individually but for their Order.

The truth is that the emancipation of intellect brought about by the Renaissance was reaching our land, and was bearing fruit of a very unripe quality. The old faith and the old forms were being submerged, and in the upheaval thus caused, the froth was coming to the surface, and lawlessness and tumult, never far absent in our early history, were taking the opportunity to do their worst. The Friars were being pushed aside as one of the institutions of a worn-out age.

Some of the more cultured members of the Mendicant Orders became pioneers of the new learning. Some suffered martyrdom as pioneers have often to suffer. Others had to retire into obscurity, after waging a losing battle with obscurantism.²² At

²⁰ *Glasgow Protocols*, vol. v. No. 1370.

²¹ Leslie, *History of Scotland* (S.T. Society), vol. ii. p. 428.

²² Friar Matthias Doring is an interesting case in point. In 1461 he had to retire from his position of prominence in the Conventual branch of the Order. (*Vide* Little, *Greyfriars in Oxford*, p. 256.)

the same time one has to keep in mind that there is some evidence of popular sympathy with the Friars in various quarters. The Satirists of the time, who do not spare them any more than they spare the Monks and Secular Clergy, show us by many indirect touches that they look upon the Mendicant Orders as in many ways carrying on religious work with vigour and earnestness, and combining with it a knowledge of physical science, which gives them a place among the leaders of thought in that age. Sir David Lindsay makes the pretended Friar, 'Flattrie,' say to the King:—

I sweir to you, Sir, be Sanct An,
Ye met ne'er with ane wyser man,
For monie a craft, Sir, do I can,
War thay weill knawin:
Sir, I have na feill of flattrie,
But fosterit with philosophie,
Ane strange man in astronomie,
Quhilk sal be schawin.²³

We see, also, from side allusions, that those Friars who had recently arrived in Scotland, were more decorous in demeanour as a class than the Conventuals who had been here for a lengthened period:—

'And let us keip grave countenance
As we were new cum out of France.'²⁴

It would be out of place here to discuss the evidence which exists, that the Church generally, and not the Friars alone, had fallen away from early ideals of purity and devotion.

To return to the Greyfriars in Glasgow. In the year 1522 a certain James Baxter was rentalled 'be consent of Jhone Smyth's bayrnis' in the xliiis. xd. land of Haghill.²⁵ In 1560 'James Baxter, Friar Minor, now ejected' assigns to his kinsman, Mr. Robert Herbertsoun,²⁶ 'the four merk land of Haghill, then occupied by Robert Graye and George Graye, lying in the Barony of Glasgow, in which lands the said James was rentalled by the Archbishop of Glasgow, superior thereof.'²⁷ Mr. Renwick is of opinion that this latter James Baxter and the Rentaller of 1522 are the same person. This cannot be proved, but seems very likely. At all events the Friar was a Glasgow

²³ *Satyre of the Three Estates* (Laing's Edition), ii. p. 51.

²⁴ *Satyre of the Three Estates*, vol. ii. p. 41.

²⁵ *Diocesan Registers of Glasgow*, i. p. 84.

²⁶ Herbertson was chaplain of the Chaplainry of SS. Peter and Paul in the Cathedral (*Glasgow Protocols*, vol. v. No. 1380).

²⁷ *Glasgow Protocols*, vol. v. No. 1370.

man. He had an older brother called Robert who predeceased him. The latter is described as a Citizen of Glasgow, and was owner of a tenement in the City lying immediately to the east of the lands of Deanside, and thus quite close to the Greyfriars' Convent. James Baxter was his brother's heir, and in 1560 he conveyed all his right and title in the estate to Mr. Robert Herbertsoun.²⁸ Herbertsoun is called his kinsman, and we learn that he was chaplain of the Chaplainry of St. Peter and St. Paul in the Cathedral. This Chapel was one of the four altars or Chapels at the east end of the Lower Church, and was situated between that of St. Nicholas on the North, and that of St. Andrew on the south.²⁹ It was founded by Mr. Thomas Forsyth, Canon of the Cathedral Church of Ross and Prebendary of Logy,³⁰ on 16th June, 1498.³¹ This is probably the same Thomas Forsyth, who, about twenty years before, had been Rector of Glasgow, and had joined Bishop John Laing in granting a site for the Greyfriars in the City. If this be so, then the friendly relations between the Observant Franciscans and the Chaplain of the Altar of SS. Peter and Paul, which evidently existed at the period of the Reformation, had their origin in the Founder of the Chapel in the Cathedral, and the donor of the site of the Greyfriars' Convent in Glasgow being one and the same person. These friendly relations, thus begun, had subsisted for a period of upwards of eighty years.

The conveyance by Friar James Baxter in favour of his relative was not successful in preventing the Friary from passing entirely out of the control of the Order. In 1562 the Privy Council passed an Act directing the revenues belonging to the Friars, among other Clergy, to be administered by persons appointed by the Crown for the benefit of 'hospitalities, schools, and other godly uses,' and the Magistrates of Aberdeen, Elgin, Inverness, and Glasgow, and other burghs where the Friars' places had not been destroyed, were instructed to make the maintenance of them a charge upon the common good, and to make use of them for the benefit of their respective towns until they were further directed.³²

It is not known whether at the date of this Act the House of the Greyfriars in Glasgow was still standing and available for 'schools and other godly uses.' In 1567 Queen Mary, by

²⁸ *Glasgow Protocols*, vol. v. No. 1371.

²⁹ *Book of Glasgow Cathedral*, p. 317.

³⁰ Now Logie-Easter, near Tain.

³¹ *Regis. Episc. Glas.* ii. p. 500.

³² *Charters and Documents of the City of Glasgow*, part I. p. lxxxiv.

Charter under the Great Seal, granted to the Magistrates, Councillors, and community of the City, the whole possessions of the Greyfriars in Glasgow, but this Charter expressly reserved to the Friars who were in possession before the change of religion the use of the revenues during their lives.³³ In all probability James Baxter, being an old man, did not enjoy long his share of the liferent thus provided, if, indeed, he was still alive at this date.

By the year 1575 the site of the House of the Greyfriars had become private property. On 23rd December in that year, Sir John Stewart of Mynto resigned 'the place formerly of the Franciscan Friars of the City of Glasgow, with the yards and surrounding wall, and sundry pertinents lying between the lands of the Rector of Glasgow and Medoflatt on the west, the lands of William Hegait on the south, and the common streets on the east and north.'³⁴ Here we have the boundaries of the Friary stated, and one notices that it is said to be bounded by streets on the east and north. The street on the east was not the High Street, as we have already seen, but a lane or vennel now occupied by Shuttle Street; that on the north being a street referred to in contemporary records as 'the common way of the Deneside' and again as the 'common road of the Denside.'³⁵ The east end of this road lay a little to the south of the present line of George Street, which it crossed toward the west. The road extended from the High Street to the Deanside Well, where it turned due north, and continued up the steep hill till it joined the Rottenrow.

The question presents itself—what extent of ground did the Friary occupy? In the absence of data, we can only arrive at an approximate conclusion. It is evident that the Brethren were finding themselves cramped by want of space in 1511, when the additional strip was acquired, from which one can be pretty safe in assuming that their original site was not very extensive. They had a walled garden towards the west, as we have seen,—and we may take it that the whole area possessed by them was only about an acre.³⁶

It seems clear from the contemporary notices which have come down to us, that one of the proximate effects of the Reformation was to lessen the importance and outward prosperity of Glasgow.

³³ *Glasgow Charters*, ii. p. 132.

³⁴ *Glasgow Protocols*, vol. vii. No. 2242.

³⁵ *Diocesan Registers*, vol. i. p. 365. Cf. note on p. 364.

³⁶ See *Sketch Plan*.

Before that time the city had several sources of wealth which were then cut off. These were connected with the Church, and its ceremonial observances, and after the Reformation there remained at first nothing to take their place. The Churchmen had their manse and the Dominicans and Franciscans their Convents, in the neighbourhood of the Cathedral. With the change of religion the Secular Clergy and the Friars took their departure or were expelled, leaving their habitations deserted, and thus one of the most flourishing and pleasant quarters of the town soon became ruinous. In fact, the city as a Bishop's burgh had depended very much on the coming and going of the Ecclesiastics of high and low degree, who brought custom to the shopkeepers, traders and fishermen, and gave importance to the town as the seat of a great Cathedral. All this was altered, and thus one is not surprised to find that in 1587 the state of affairs was so bad, especially in the north part of the city, where the Churchmen had dwelt, that the freemen and other citizens cast about to try to find a remedy. In that year they presented a petition to the Scottish Parliament 'makand mentioun that quhair that pairt of the said citie that afoir the Reformation of the Religioun wes intertenyt and uphaldin be the resort of the Bischop, Parsonis, Vicaris and utheris of clergie for the tyme is now becum ruinous, and for the maist pairt altogidder decayit, and the heritouris and possessouris thair of greitly depauperit, wanting the moyane not onlie to uphold the samin bot of the intertenement of thame selfis, thair wyffis, bairnis and famelie.'

This description is very different from that given by Bishop Leslie of the state of matters before the Reformation. Even allowing for his prepossessions in favour of the old form of religion, it seems evident that the town had gone back in wealth since the change of faith. He says in a well-known passage in his history—'Surlie Glasgow is the maist renoumed market in all the west, honorable and celebrate: Afore the haeresie began thair was ane Academie nocht obscure nathir infrequent or of ane smal numbir, in respecte baith of Philosophie and Grammer and politick studie. It [the market] is sa frequent, and of sik renoume, that it sendes to the Easte cuntreyes verie fatt Kye, Herring lykwyse, and salmonte, oxne-hydes, wole and skinis, buttir lykwyse that nane bettir and cheise.'³⁷

³⁷ Leslie, *History of Scotland*, Dalrymple's Translation (S.T.S.), vol. i. pp. 16, 17. The translation is faulty, the order of the sentences being different in the original. It is questionable if Leslie's words support the view taken above. See Leslie, *De Origine* (1578), p. 11.

Evidently the historian speaks from pleasant, personal experience of the roast-beef, butter and cheese of the Western City. It is a rosy picture of the Pre-reformation state of the town, and although possibly a little over-coloured, still the evidence otherwise available points to its substantial truth.

Our citizens, however, did not sit still under this temporary depression. Action, as we saw above, was taken, and the result was an Act of Parliament (1587, c. 113) appointing an influential Commission, at the head of which were Robert, Lord Boyd, and Walter, Commendator of Blantyre, along with the Provost and Bailies, and one half of the Council of the city, in order to go into the matter, and 'tak ordour as thai sall think maist expedient for relief of the decay and necessitie of that pairt of Glasgow abone the Greyfriar Wynd thair of ather be appointting of the mercate of salt, quhilk cumis in at the Over Port or the Beir and Malt mercat upon the Wynd Heid of the said Cietie, or sic uthair pairt thairabout quhair the saids Commissioneris, or the Maist pairt of them, sall think maist meit and expedient.'³⁸

The action taken by this Commission resulted, no doubt, in additional importance being given to the trade of that part of the town. We know that the fair was for many years proclaimed annually at Craigmak or Craignaught, part of which had been given as a site for the Friary.³⁹ The remainder of Craigmak lay immediately adjoining the walls of the Friary buildings,⁴⁰ and the fact that a Court was held here once a year 'upon the fayr ewin' for the express purpose of formally proclaiming 'the peace of the fair' gave rise to the curious and erroneous notion stated by M'Ure in his *History of Glasgow*,⁴¹ that the annual fair owed its origin to the Franciscans. Craigmak was perhaps chosen as the place of proclamation from its

³⁸ *Acts of Parliament of Scotland*, vol. iii. p. 505.

³⁹ *Glasgow Protocols*, No. 1745. In the Rental of Temporalities preserved in the General Register House, the following is included in Glasgow Parsonage: 'The feu-ferme of ane pece land callet Craignaught, extending to ane aiker of land or therby, liand in the Baronie of Glasgow and Sherefdom foirsaid, set in few to William Hegait and Jonet Grahame, his spouse, extending yeirle to xij.s, with xvj.d. of augmentatiown inde the yeir complet 13/4d.'" I am indebted to Mr. Renwick for this transcript. He adds: 'The Parson of Glasgow seems to have been owner at one time not only of the Greyfriars site, but also of a considerable portion of adjoining land.'

⁴⁰ In one of Michael Fleming's Protocols of date 2nd March, 1531 there is reference to 'ane pece of land lyand on the baksyd of the Greyfreris callit Craegmak.' *Glasgow Protocols*, vol. iv. No. 1061.

⁴¹ M'Ure, *History of Glasgow* (Edition 1830), p. 57.

being a ridge of high ground in the neighbourhood of the place which had, for many years, been rendered sacred by the residence and ministrations of the Greyfriars. The ground on which markets were held was privileged. Sir James Marwick, after pointing out that the markets in Greece were under the protection of the gods, proceeds to observe that 'the same feeling may have had something to do in times more modern, with the selection of consecrated ground around Churches, or of ground associated with the lives and labours of famous saints.'⁴²

There are some interesting points connected with this fencing of the fair each year on 6th July, and the ceremonies which accompanied it. For example, David Coittis, 'mair of fee' or hereditary officer in the barony, in 1581,⁴³ and again in 1590,⁴⁴ proclaimed 'the peace of the fair upon the Greyne,' while the Town Officer, Richard Tod, proclaimed it at the Cross upon the Tolbooth stair. The Court that fenced the fair was called the 'Heid Court of Craignache,' but it confined itself to the one act of administration and continued the other causes that came before it to a more convenient season and place, 'conforme,' as the Record in 1607 bears, 'to ald use and wount.'⁴⁵

The University acquired right to the Franciscan Convent and pertinents in 1572-3, under the well-known 'Charter by the Provost, Bailies and Councillors of the City granting to the Pedagogy, or College, for the maintenance of a principal, being also a professor of theology, two regents and teachers of philosophy and twelve poor students, all the Kirk livings which had been bestowed on the Burgh' by Queen Mary's Charter of 1566-7. The buildings may have been kept up, and in occasional use for University purposes for many years after the Reformation. We have seen that Sir John Stewart of Mynto was in possession of the 'place formerly of the Franciscan friars' in 1575, and in an informing note to the Glasgow Protocols, Mr. Robert Renwick points out that 'he probably acquired it, in return for payment of rent or feu-duty,' and that the College became the landlords, or superiors, and entitled to the annual rent or feu duty under the Charter of 1573.⁴⁶ Sir John Stewart

⁴² *Some Observations on Primitive and Early Markets and Fairs*, by Sir James D. Marwick, LL.D., p. 32.

⁴³ *Extracts from the Records of the Burgh of Glasgow, 1573-1642* (Burgh Records Society), p. 88.

⁴⁴ *Ibid.* p. 154.

⁴⁵ *Ibid.* p. 267.

⁴⁶ *Glasgow Protocols*, vol. vii. p. 130.

was Provost, and in that capacity granted the Charter to the College. Evidently he was much interested in the prosperity of the University.

The Order played an important part in the religious life of Scotland before the Reformation, as, indeed, it did over all the Christian world. As Miss Mary Bateson observes: 'By tact, knowledge of the world, and cheerful humour, the Franciscans soon obtained great secular influence. As confessors to the King and Queen, to bishops and noblemen, they were in control of important consciences: the papacy supported them and found them useful agents.'⁴⁷

In England they furnished an Archbishop of Canterbury in the person of John Peckham (1279 to 1292), and although the Pope did not succeed in his attempt in 1391 to give Glasgow a Bishop from the ranks of the Order, yet we know that here, as elsewhere, it wielded a certain influence as soon as it was established. This influence would doubtless have been greater had the Order arrived in Glasgow earlier.

Many proofs of the power exercised by the Greyfriars are to be found in the notices, satirical and otherwise, scattered through early Scottish Literature. It is clear that they had to be reckoned with in the religious and secular life of the Country. Even Dunbar, in his more solemn moments, turns to the Friars to find the necessary environment:

'Amang thir freiris, within ane cloister,
I enterit in ane oritorie,
And kheling down with ane pater noster,
Befoir the michti King of Glorye,
Having His passioun in memorye,
Syne to His Mother I did inclyne,
Hir halsing with ane gaude-flore;
And sudantlie I slepit syne.'⁴⁸

JOHN EDWARDS.

⁴⁷ *Mediaeval England*, by Miss Mary Bateson, p. 226.

⁴⁸ Dunbar, *Poems* (S.T.S.), vol. ii. p. 239.

The Ruthven of Freeland Barony

THE validity of the assumption of the Ruthven of Freeland title in the eighteenth century, after the extinction of the male issue of the first lord in 1701, has been so long and so vigorously impugned that one is glad to have at last an elaborate defence of it from one who is described by no less an authority than Mr. Maitland Thomson as the 'best all-round historical antiquary' in Scotland. We may fairly assume that all that can be said in favour of that assumption has been said and ably urged in Mr. J. H. Stevenson's monograph on *The Ruthven of Freeland Peerage*.¹ Welcome also is the article by Mr. Maitland Thomson himself,² in which he endeavours to weigh the arguments on both sides, and which shows at least that the critics' case cannot be so lightly disposed of as Mr. Stevenson would persuade his readers.

The fact is that Mr. Stevenson's treatise is essentially that of an advocate, urging his points with all the vigour that one expects in an address to a jury. The effect may seem at first sight convincing, but when his arguments are analysed in cold blood, they will be found to add very little to our existing knowledge of the question. As I had occasion, long ago, to insist in an article on 'The Determination of the Mowbray Abeyance,' published in the *Law Quarterly Review*, such arguments as the official recognition of a title are effective enough in absence of rebutting evidence proving that such recognition has often been accorded in error. My arguments, I am glad to say, have borne practical fruit, for such evidence will, in future peerage cases, be subjected to expert criticism.

The great difficulty I experience in replying to Mr. Stevenson is that—like those who have preceded him—he persistently ignores my own points which tell against his case, thus compelling me to repeat and even to reprint them once more.

¹ Glasgow: MacLehose, 1905.

² *Scottish Historical Review*, vol. ii. p. 104.

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A controversy conducted on these lines might last to 'the crack of doom.'

It is well recognised that a wider issue is raised by this question than the validity of one title. No less a writer on the British Constitution than Sir William Anson has deemed the absence of any certain bar to the wrongful assumption of Scottish peerage dignities a flaw in our existing system. This is, I know, a tender subject, and—possibly because I am an Englishman—I have been sharply criticised, north of the Tweed, for venturing to take it up. Even Mr. Maitland Thomson, I am truly sorry to see, speaks of my 'denunciation of the "unaccountable perversity" of those Scotsmen who will not help him to set up a sort of Public Prosecutor of untested peerages.' It is strange that he should not perceive that it is precisely because, in the absence of a counter claimant, it is 'nobody's business' to test assumptions that they may obtain that general recognition which seems to Mr. Stevenson so convincing, but which, as we shall see, proves nothing.

Even as I write we are all reading of the 'Irish Peerage Romance' concerning a gentleman who, in the late reign, assumed a peerage which never existed but for six or seven years under Charles I., and is recognised to have been extinct since 1634. Yet, according to the newspaper report of the case, both the Judge who tried the case and the Irish Solicitor-General spoke of him as 'Lord Carlingford,' while his daughter deposed in the witness-box that she had been presented as a peer's daughter at a Dublin drawing-room. Why not? It is no secret that the right to a certain title, the assumption of which is universally recognised at Court and elsewhere, has never been, and, it is alleged, never could be proved. I may add that to my own knowledge this case causes anxiety in an official quarter. Again, there is at least one English peerage title which is at present persistently assumed, to the occasional bewilderment of the judges in our courts. All students of the subject are, or should be, aware that it is as possible now as it ever was for a Scottish peer to sit in the House of Lords, whether by election or by the bestowal of a United Kingdom peerage synonymous with his own, without having ever proved before the Committee for Privileges that he is a peer at all. *Verb. sap.*

Again, as an instance of the existing confusion, it is possible for the same individual to be presented at Court as a Scottish

peer on the authority of one Minister and informed by another that he has no official knowledge of the fact that he is a peer. When one is behind the scenes, one learns some strange things. Well might the then Lyon find himself driven to admit, before the Lords' Committee in 1882, that

'in Scotland there are individuals as to whom it may be a matter of dispute as to whether they are peers.'

The admission was a very reluctant one; for, as I have said, the point is a tender one, and Scotsmen appear to be passionately attached to this curious system—or lack of any.¹

Space obliges me to hurry on, but I have been compelled to say thus much, because Mr. Stevenson endeavours to make a great point of 'an acquiescence so long and so uniform' in the Ruthven assumption, which compels its assailants to 'meet the presumption in its favour.' He cannot be ignorant of the then Lord Clerk Register's reluctant admission, before the same Lords' Committee, that

'As the law now stands, the title may be held for generations by persons who have never taken any steps whatever to establish their claim'

—for this, together with Lyon's admission above, was conspicuously cited in my original paper which he selected for his criticism. Nor can he be ignorant of the evidence I adduced that other Scottish assumptions had been as fully recognised, for this I explained at great length. Yet his treatise certainly conveys the impression that it would have been out of the question for such an assumption to obtain recognition if it had been invalid, and he further endeavours to prejudice the question by insisting on the heinousness of the *mala fides* that its wrongful assumption would have involved. I must really observe that those who are conversant with the history of the Scottish peerage in the eighteenth century cannot look on a wrongful assumption as a rare and dreadful thing or imagine that the conduct of those who so assumed titles was deemed in any way heinous by themselves or by others.

Nothing as yet has been adduced to shake my consistent theory that Ruthven is an accidental survival of the other similar assumptions in the eighteenth century; that the accident of its survival is explicable by its lucky circumstances, which saved it from the usual perils: (1) a challenge at a close election, and (2) the existence of a counter-claim; and

¹ Since writing this I read in a Scottish paper that the Earldom of Dunfermline has been 'assumed' by a Mr. James Seton.

that, if either of these causes had brought its assumption before the House of Lords, the claim of those who assumed the title would have been, and indeed must have been, rejected.

But let us come to grips.

I

Mr. Stevenson concludes his address by a vigorous peroration, in which he claims to have shattered at every point 'the supposed demonstration that this peerage of Ruthven of Freeland is extinct.' Let us see.

My first point in my original article was this :

I need hardly observe that, as Riddell reminds us, in cases where the contents of a patent are unknown the law (as laid down by Lord Mansfield, and as accepted and acted upon by the House of Lords) always presumes a limitation to the heir male of the body (p. 168).

As the contents of the Ruthven patent are admittedly unknown, that title has been extinct in the eyes of the law, as now understood and acted upon, for the last 180 years (p. 169).¹

What is Mr. Stevenson's answer to this? *He does not even attempt one.*

It is particularly interesting to find that Mr. Maitland Thomson goes even further than I do, holding, I gather, that the presumption of law is also the most probable presumption from the facts.

For the present he (Mr. Stevenson) leaves us still unable to resist the contention that Lord Mansfield's doctrine, the presumption for limitation to heirs male of the patentee's body, is properly applicable to the Ruthven case. And here its application would not, as in the Lindores and Mar cases, bring about any sharp conflict between the legal and the historical presumption.²

If it does apply, the peerage is extinct, and there is an end of the question.

II

The barony of Ruthven of Freeland is one of an interesting group created by Charles II. when in Scotland in 1650-1651. The four baronies, so far as I can find, were :

DUFFUS, 8th December, 1650. Limitation: *Unknown*.

COLVILL OF OCHILTREE, 4th January, 1651. Limitation: *Heirs male whatsoever*.

ROLLO OF DUNCRUB, 10th January, 1651. Limitation: *Heirs male whatsoever*.

RUTHVEN OF FREELAND. Date: *Unknown*. Limitation: *Unknown*.

¹This was written in 1884.

²*Scottish Historical Review*, *ut supra*.

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Mr. Stevenson has shown (p. 2) that the creation must be placed somewhere between 30th March and 24th May, a wide enough limit.

It is a singular fact that one other Scottish peerage, created within this limit—the earldom of Ormond, with its baronies—was held, after the Restoration, to have been an ‘inept’ creation, because, as with Ruthven, it had not passed the great seal.¹ I do not insist in any way upon this, but merely invite attention to the fact for what it is worth.

Now, I have always laid stress upon the fact, that, of these four baronies, Ruthven and Duffus were *in pari passu*, inasmuch as the limitation of neither was known. In each case the title was assumed after the death of the peer who was at once heir male and heir of line of the patentee and body, but, of the two assumptions, Duffus was the more justifiable, because Benjamin Dunbar was heir male of the patentee’s body. Yet this assumption has not been recognised. Then on what ground was Ruthven recognised?

The answer is simple: it is that, as I have always urged, in the Duffus case there was a rival claimant (the patentee’s heir of line); *in the Ruthven case there was not*.

Let me now briefly deal with the other two baronies. The Rollo patent, as is well known, was registered in the Great Seal Record in 1764, and the barony has never presented any difficulty whatever. Of the remaining dignity, Colvill of Ochiltree, I need only say that the assumptions of that title are selected by Mr. Maitland Thomson (p. 108) as being of the worst type, and that Riddell dismissed the first as ‘too absurd and preposterous to require comment.’² Yet this ‘mere pretender’ was allowed to vote *without protest* in 1783 and 1787, while the vote of a later pretender was accepted in 1847. We shall see the importance of this rebutting evidence, which Mr. Stevenson would like to ignore, when we come to his insistence on the fact that ‘the Ruthven vote had never been disputed,’ an argument to which ‘Riddell had no answer to make’ (p. 73).

I have compared the cases of Ruthven and Duffus, and I will now compare Ruthven with Oxenford, created ten years later (19th April, 1661). I do so because the two present extraordinary parallels. In each case the patentee was succeeded by his son and heir; in each, on the death of that

¹ Riddell, *Peerage and Consistorial Law*, pp. 67-8.

² *Op. cit.* p. 777.

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son and heir, the title was assumed by his (female) heir of entail (1701 and 1705); in each the first vote tendered in respect of that assumption was in 1733; in each that vote was accepted; in each there had been a coronation summons; in each possession of the title is appealed to; yet that Oxenford assumption was pronounced invalid. Why? Because *there was a counter-claimant*, whose petition brought the matter before the House of Lords. In the Ruthven case there was not.

I must apologise for having to repeat all this once more; but until Mr. Stevenson faces, instead of ignoring, these arguments, there is no alternative.

III

I have said above that the two 'usual perils' to these assumptions were the existence of a counter-claim and a challenge at a close election. In the Ruthven case there never was and never could be a counter-claim, for, the limitation being unknown, only an heir male of the patentee's body could successfully counter-claim, and there has been no such heir since 1701.

Let us come then to the second point. According to Mr. Stevenson, I 'explain' that, of the eleven elections (out of thirty-three), at which James 'Lord Ruthven' voted till his death in 1783,—

at none of these was there (1) any counter-claimant for the right to vote as Lord Ruthven, or (2) a contested election in which his vote might have turned the scale (*Call. Gen.* 184).

Upon which he thus comments:

with regard to the second assertion, that Lord Ruthven never voted where his vote might have turned the scale, where is the proof of that? (p. 72).

My reply is, I am sorry to say, that I never made the 'assertion' assigned to me by Mr. Stevenson. Here is the passage to which he refers:

Wrongful assumptions were challenged in one of two ways: (1) by a counter-claimant, as in Oxenford and Rutherford. This was the normal and more frequent method, but could not apply to Ruthven, as there was no counter-assumption to raise the question; (2) by the vote happening to turn the scale at a contested election, as in Newark and Lindores. *This was a very exceptional method, and the only important occasion on which it was enforced was the famous election of 1790, at which Lindores and Newark voted, but Ruthven (then a minor) did not.* We thus perceive that it was from special circumstances that the Ruthven assumption escaped challenge, whereas in the above cases these circumstances did not exist (*Call. Gen.* p. 184).

My assertion, it will be seen, is clear, namely, that the Ruthven assumption escaped the stormy election of 1790, which proved fatal to others, through the lucky circumstance of a minority at the time. As for the above 'James, Lord Ruthven,' *he had then been dead for years!*

It is a pity that Mr. Stevenson's indignation does not admit of his quoting me accurately or giving my arguments correctly.

IV

The question of the weight which ought to be attached to the acceptance, with or without protest, of votes tendered at elections of representative peers is one of wide interest. How far should it be accepted as rebutting the legal presumption of a limitation to the heirs male of the patentee's body?

In the particular case of Ruthven I had, in my original article, to dispose of two allegations in defence of the assumption:¹

(1) 'the votes given without protest by the third and later lords at Holyrood, at a time when every dubious vote was challenged.'

(2) (James, Lord Ruthven) 'voted at nearly all the elections of representative peers after his succession in 1732 till his death in 1783.'

Of the first of these I disposed by showing that when he first voted (1733) the next name on the lists was that of George Durie of Grange, whose vote was accepted '*without protest*, although his assumption was a notorious imposture.' And Mr. Stevenson admits that this was so. Behold how easy it was at that time to obtain the acceptance of an assumption!

Of the second I disposed by showing that it was wholly contrary to fact, James having only voted at eleven elections out of some thirty! This also Mr. Stevenson admits, though he seems to be much annoyed at my insisting on the fact.

Now, let it be clearly understood what is the point at issue, so far as Ruthven is concerned. Was it, or was it not, possible for the Ruthven assumption to continue obtaining, down to the death of Lord Ruthven in 1783, the recognition so lightly accorded it in 1733? Mr. Stevenson vehemently writes:

The counter-claimant and the closely-contested election, says Mr. Round, were the only² contingencies which a voter in an election of Peers in Scotland had to fear. The assertion is preposterous. There was no competition for the Earldoms of Wigton and Stirling; yet in Lord Ruthven's time the claimants to these titles

¹ They were adduced, at that time, in Burke's *Peerage*.

² I did not use the word 'only.'

were both ordered by the House of Lords to desist from styling themselves Peers till they had proved their right. There was no competition in 1766 or in 1767 for the right to vote as Earl of Caithness, nor was there any close contest, that we know of, impending; yet in both years the Lord Clerk Register challenged the right of James Sinclair, the sole (*sic*) claimant, to vote as the Earl. On the latter occasion Lord Ruthven was present and voting.

With every wish to be respectful to Mr. Stevenson, I must really call a halt at this amazing statement. The 'best all-round historical antiquary' in Scotland must be perfectly aware that on the death of Alexander, Earl of Caithness, in 1765, his earldom was, in Riddell's words,¹ 'exclusively claimed by *two asserted male heirs*—first, by James Sinclair . . . and, secondly, by a more remote relative, William Sinclair of Ratton.'

'William Sinclair also answered another protest by his opponent, James Sinclair, *as before*, at a Peerage Election in 1768, maintaining his, preferable claim; and that by the laws and practice of this country it is an established rule that where a collateral heir-male claims a peerage, he must first establish his right by a regular service as heir to the person who last enjoyed the dignity,' which, he added, 'James had not done . . . but, with the highest presumption, had assumed the dignity, which, by order of the Court of Session, in the litigation to be immediately noticed, he was obliged to lay aside' (Robertson's *Peerage Proceedings*, p. 319).²

Thus we discover, on examining the facts, that James Sinclair, on his own admission, was a poor and destitute man, without any interest in Caithness,³ who could not even produce a retour to show that he was heir male of the late Earl; that there was notoriously a counter-claimant of higher position, who was eventually adjudged to be the right one; that this counter-claimant's reason for not assuming the title or voting was only, as he tells us himself, that he deemed a service the necessary preliminary; and, finally, that the rival claims were actually *sub judice* (before the Court of the Macers) in 1767!

And now, what are we to say of Mr. Stevenson's argument that the Lord Clerk Register 'challenged the right of James Sinclair, the sole claimant, to vote as the Earl' in 1766 and 1767? Either he was ignorant of the above facts, in which case his authority is *nil*; or he knew of them, in which case I will only say that he must have seen that the case differed from that of Ruthven, and that the challenge of the Lord Clerk Register is abundantly accounted for by the notorious existence of a rival claimant and by James Sinclair's absence of proof that his was the rightful claim.

¹ *Op. cit.* p. 610.

² *Op. cit.* p. 611.

³ *Op. cit.* p. 612.

My answer to the case of Stirling is no less decisive and complete. On p. 74 Mr. Stevenson writes:

Mr. Round points out with truth that the exclusion of doubtful peers was not very strict when the claimant for the title of Lord Rutherford, actually next on the list to Lord Ruthven, was allowed to vote in 1733. But it must be recollected that in 1761 the House of Lords took order with these cases of Rutherford, Borthwick, Kirkcudbright, Stirling and Wigton, and that even in that time of setting all things right, not a whisper of any doubt about Lord Ruthven was ever heard.

Noting, by the way, that this last statement is amazing enough in view of what Mr. Maitland Thomson describes as the doubts 'handed down by Crawford, received by Macfarlane and Hailes,' I come straight to the point. Of these cases Stirling and Kirkcudbright are fully accounted for by the action of the claimants themselves, who, by petitioning for the dignities, had admitted that they had no right, as yet, to vote as holding them.¹ The Rutherford case had long been notoriously a public scandal, owing to the strife of the rival claimants, who had actually both voted at some elections, as the rival Kirkcudbright claimants had also done.

Of the five cases, therefore, there only remain two, Wigton and Borthwick, of which Wigton was a glaring case of baseless assumption. But these two cases will not avail Mr. Stevenson, for what he has to prove is that 'all things' were set right, and if it can be shown that even a single known wrongful assumption ran the gauntlet successfully, Mr. Stevenson's argument breaks down, for Ruthven may have done the same.

Such an instance is found in Newark, to which I have appealed throughout. Here again we have a parallel to Ruthven. Created ten years later, and limited to the heirs male of the patentee's body, the barony became extinct in 1694 on the death of his son. Then, as in the case of Ruthven and Oxenford, it was assumed by a female—Jean, the second lord's daughter, who died 1740, and was succeeded in the assumption by her heirs of line. Although both her sons, in succession vested in respect of the title, the House of Lords raised no question in 1761 with regard to it; and it was only the fateful election of 1790 (which Ruthven, we have seen, escaped) that brought it within their province and led to its condemnation.

¹ The petition of the Stirling claimant had been referred to the House of Lords, 2nd May, 1760. One of the Kirkcudbright claimants had petitioned previously.

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That the exceptional action of the House of Lords was but a flash in the pan is shown by the Colvill of Ochiltree assumption. Mr. Maitland Thomson, indeed, writes: 'for claimants of the Colville of Ochiltree type there is justice in Scotland as swift and sudden as south of the Tweed,' but as a matter of fact, the claimant of that barony (1651) actually had his vote received in 1784 and 1787.

In short, my 'preposterous' assertion appears to be in absolute harmony with the reluctant admissions of the then Lyon and of Dr. Mackay, on the curious Scottish system before the Lords' Committee in 1882.

LYON.

184. Therefore the only occasion where a peer is liable to protest is, apparently, voting at the peers' election.

'Yes, practically. One would think the question might arise in many other ways whether a person was a peer or not, for in Scotland there are individuals as to whom it may be a matter of dispute as to whether they are peers; but practically it has been only at elections of peers that the question has been raised.'

DR. MACKAY.

471. Is there any form in which such a right can be challenged, except by a competitor or claimant for the same title?

'Practically at present there appears to be none, and *that appears to me to be a great defect in the existing condition of the law on the subject.*'

555. There is nothing whatever to prevent any one calling himself by any title he thinks fit?

'That is so.'

V

Mr. Maitland Thomson, recognising that the presumption of law is against the validity of the Ruthven assumption, raises the question whether 'the favourable evidence' is sufficient to rebut it. The question is, legally, whether the House of Lords would consider the reception of votes, the summons to coronation, etc., sufficient to outweigh the presumption.

Mr. Stevenson thus scornfully dismisses Riddell's argument:

When Douglas pointed to the historical fact that the Ruthven vote had never been disputed, Riddell had no answer to make to the argument. He was probably too well versed in his Robertson's *Proceedings* to attempt the assertion which Mr. Round has ventured, but rode off with the irrelevant remark that 'the legal insignificance of such circumstances must now be self-evident, after what has been premised as to the exemption of Peerages from prescription' (p. 73).

Riddell is a dead man, who cannot defend himself or show that his alleged shuffle was distinctly and dangerously relevant to the Ruthven case. A reference to 'Prescription' in the

index to his chief work will guide us to this notable passage, which I must quote in full:

The counter-pretension, or assumption, by the Glencairn heirs male for the considerable period of 126 years, from 1670 to 1796, that would have been so fatal at common law, in ordinary succession, was not held a legal bar in the way of Sir Adam Ferguson, the heir of line. And this, *although the preceding had voted without protest* at Peerage Elections. Nay, James, Earl of Glencairn, elder brother of John, the last Earl, had even been returned to represent the Scottish peerage in 1780, and had sat and voted accordingly in the House of Lords. The same thing has also been illustrated in the instance of the Earldom of Moray in 1793, where there was alleged adverse possession from 1700 until 1784, thus *evinced the existing legal understanding*, to which I do not demur, as it seems not at variance with our law. Further still in the Errol case . . . James, Earl of Errol . . . had been equally returned as one of the representative peers in 1770, in virtue of a title and succession recognised since 1717; but this 'possession' also, as it was maintained, when founded upon by him, was not deemed conclusive by Lord Rosslyn (p. 829).

Thus we see that even if 'Lord Ruthven' had been returned to the House of Lords and had sat and voted therein, his right to the title would not have been homologated thereby. Still less would his votes at elections be accepted as proof, more especially when it was shown that the absence of protest is amply accounted for. For, as I have shown, there was no one who could counter-claim with success, there being no heir-male of the patentee's body. And as to protests from other peers, they were rare, and only based (1) on a claim being at variance with the known limitation, and possibly (2) on a claimant not having proved his pedigree. Now, in the Ruthven case the terms of the limitation were unknown, and the pedigree was not in dispute. Naturally, therefore, there was no protest, because these grounds of a protest were wanting. The absence of a protest is fully accounted for, and the reception of the votes cannot avail against the presumption of law.

VI

It is admitted that some obscurity surrounds the alleged summonses to the coronations of George I. and George II.¹ But here is Mr. Stevenson's argument:

¹ Mr. Stevenson writes (p. 63): 'Douglas's statement also of the issue of a summons, in 1714, to the peeress of the day (Jean, though he says Isobel was the name) to attend the coronation of George I. has not been disproved or even contradicted.' No attempt, so far as I know, has been made to disprove the statement, but it is hard to believe that it would be accepted as evidence that Jean was summoned, when Douglas says it was Isobel! Mr. Stevenson must not accept the summons as a fact on Douglas's authority, while rejecting Douglas's statement as to the person summoned.

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If we accept them as facts, they prove at any-rate that the Lyon King of Arms of 1714—Sir Charles Erskine, and his successor in 1727, probably Brodie of Brodie—reported the peerage to be extant. These are facts of weight in any balance of the evidence for or against any peerage. . . .

But whether the right lady or gentleman received the summons or not, the important fact is that letters were issued in respect of the peerage on reports of the Lyon King of Arms, thirteen and twenty-six years after the extinction of the male; and that they were issued to ladies—Jean and Isobel respectively.¹ So that, even by the official most ignorant of their pedigree, the recipients could not have been mistaken for heirs-male (p. 44).

Impressive, perhaps; but I duly met this argument in my original paper (1884) as follows:

The argument from the coronation summons has been met and disposed of by Riddell (*Scotch Peerage Law*, p. 137). It has, moreover, been shown by me that the evidence of such summons in proof of 'possession' was founded on in vain, in 1733, by the titular 'Viscount Oxenford,' who unsuccessfully appealed to his 'summons to be present at the coronation of his present Majesty, which is superscribed by his Majesty, and signed by the Earl of Sussex, depute Earl Marischal of England' (Robertson's *Proceedings*, p. 137).

This case is conclusive. It may be added, however, in further illustration of the 'legal insignificance'² of such summons, that in England there had been summoned as 'Baroness Cromwell' to the two preceding coronations a lady who, as in the case of Ruthven, had assumed the honours without right, on the extinction of the male line. It is important to notice that in the English case the 'salutary check,' as Riddell terms it, of the intervention of a writ of summons operated in bar of the assumption of the title by that lady's son and heir. In the Scottish case there was no such check, and, consequently, the usurpation has been continued to our own day (p. 183).

The Ruthven summons no more proves the validity of the assumption than did the Oxenford summons.

Mr. Stevenson was confronted with this argument, which disposes of his own. What answer does he make to it? *He does not even attempt one.*

VII

Lord Hailes' story, cited by Riddell, is that 'Lady Ruthven' having been summoned to a coronation,—

In a jesting way she said that this was her patent, and that she would preserve it as such in her charter-chest, and what she said in jest³ is now seriously insisted upon.

¹ Douglas and Hailes say it was Isobel in both cases. ² Riddell's phrase.

³ In my original paper the word 'earnest' is printed by mistake for 'jest.' The context makes the sense clear, though Mr. Stevenson denounces my 'almost incredible carelessness.' By a similar one in Mr. Maitland Thomson's review (p. 106) Jean and Isobel are both distinguished as the 'former,' though this word must in one case be printed for 'latter.' Such slips are difficult to avoid. Nay, Mr. Stevenson himself, on p. 65, when discussing the omission of his title by a 'baronet,' speaks of him as the 'knight'! Yet I should not accuse him for this of 'almost incredible carelessness.'

Mr. Maitland Thomson, I observe, is disposed to accept this story, and to assign it to the coronation of 1714, writing :

The suggestion that the patent ought to be recorded has been ventured by a friend in the hearing of Baroness Jean. Her reply is to point to her coronation summons received two years before, and exclaim, 'Here is my Patent !' A fair repartee ; and considering that the lady had borne (*sic*) the title since 1702 (as Mr. Stevenson has proved), Mr. Round's comment that the claim originated in a joke is hardly justified.

Whether my words express the point of Lord Hailes' story fairly or not is matter of opinion ; it appears to me that they may be held to do so if the lady seized upon this document as the first official recognition of her assumption, the earliest 'Patent' forthcoming. But, in any case, that is not at all the point raised by Mr. Stevenson.

In the section headed 'A practical joke!' (pp. 51-53) he accuses me, with awful solemnity, not of mistaking the point of a story, but of recklessly inventing a story without any foundation at all. Mr. Stevenson had a perfect right to say that he did not agree with my way of alluding to the above 'jesting' remark ; but to say that I have failed to produce any story of a 'joke' at all is—well, rather a strong measure. Yet this is actually what he does :

I desire to call attention to the legal aspects of the assertion. . . . The only proof needed to end the whole controversy and disprove the very existence of the peerage is the proof of the joke . . . prepares us for the discovery that the story is not forthcoming, and persuades us that the story does not exist. . . . such a damaging and prejudicing statement as the one I now allude to made as long ago as in 1884, and since repeated in effect¹ again and again at intervals, and never attempted to be substantiated, cannot be passed over without the observation that by the canons alike of historical investigation and of literary discussion, a disputant is under an imperative obligation to prove the truth of a statement of that kind or to withdraw it (p. 52).

Superb ! But we have seen, unfortunately, that Mr. Maitland Thomson, as an independent critic, understood, as a matter of course, that I was referring to the jest in Lord Hailes' story. And as Mr. Stevenson had himself discussed (pp. 44-47) my mention of that story, and had even written 'But suppose that the lady did make the jest ! What then ?' (p. 46), it seems curious that he should boldly assert that 'the story does not exist,' and that I have never produced any evidence of a 'joke.'

¹This is a carefully guarded phrase, but I am afraid I must point out that the statement has not been repeated, as a matter of fact, even 'in effect.'

VIII

We have still to seek legal evidence sufficient to rebut the presumption of law that the Ruthven assumption was wrongful. On the general question of the merits of the Union Roll of 1707, I am, Mr. Stevenson admits, at one with Riddell.

Must I again repeat his vigorous and fearless words?

'The Union Roll, if truth and accuracy are to be here respected, and Peerage rights possess a title of that value and importance which they seem anciently to have done, calls loudly for correction and amendment. It has been transmitted to us in no solemn or authentic form owing to the well known hurry and distraction of the moment, when lesser interests were sacrificed to greater, adopting the gross errors in the decret of ranking in 1606, which it is otherwise faulty and exceptionable . . . the pretensions of impostors at elections of the sixteen peers, who have *not* been wanting on such occasions, and reception of undue votes, with the attendant trouble and perplexity,' etc., etc.¹

But let me quote the actual words of my original argument on the point at issue; for although they move Mr. Stevenson to wrath, it is significant that he does not quote them.

In proof of the true value of the Union Roll, it is, I think, sufficient to observe that this highly vaunted *rex rotularum* on the one hand retained such titles as Abercrombie, and Newark—the former notoriously extinct for more than twenty years, the latter also extinct, though assumed by the heir-of-line through a fraud which the House of Lords eventually exposed; and on the other omitted such extant titles as Somerville, Dingwall, and Aston of Forfar! (p. 174).

How does Mr. Stevenson demolish this argument? Why he actually has to admit, thus openly, that the Union Roll included not only the above *two*, but *three* extinct titles!

It is not now doubted that three extinct titles were placed on the Roll in 1707, namely Abercrombie, Newark, and Glasford (p. 16).

So that my assertion was even an *under*-statement of the case! And yet we are asked to admit that the appearance of Ruthven on the Union Roll must be deemed evidence that it was not extinct!

To proceed. How does Mr. Stevenson demolish the rest of my above argument? Why, he has to admit that Somerville and Dingwall, were both, as I asserted, wrongly omitted and had to be inserted in the Roll afterwards, and that Aston also

¹ *Op. cit.* p. 171.

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was wrongly omitted, though in this case he makes the amazing excuse, that

Surely the officials who kept the Roll of the Parliament could not be charged to send to England to ascertain if the Lords Aston were still extant after they had not been in their place for well-nigh seventy years (p. 15).

How about the barony of Fairfax, created for an Englishman in the same year (1627) as that of Aston for 'Sir William Aston of Tixall,' as Mr. Stevenson terms him? Why is the title of Fairfax on the Roll and that of Aston not? There could not be the slightest difficulty in discovering the 3rd Lord Aston, who was lord of Tixall, like his grandfather the first lord, and who subsequently protested in Scotland against the omission on the Roll. Was not Riddell right, in spite of Mr. Stevenson's protest, when he wrote that the Aston omission was a 'striking corroboration' of his remarks on the 'carelessness and inaccuracy' of the Union Roll.

But let me complete the passage from my original article :

And even had the Roll been free from such error, its retention of a title, it should always be remembered, was merely an admission that its extinction had not been demonstrated, *and was not a 'recognition' that it had been validly assumed by any particular person.* Thus the retention on the Union Roll of the titles of Ochiltree and Spynie did not 'recognise' their assumption by the Aytons and the Fullartons any more than the similar retention of Ruthven 'recognised' its assumption by the so-called 'baroness.' Such is the value of the argument from the Roll, and so little will it avail to 'indicate,' far less to *prove* the point (p. 174).

My argument here, it will be seen, is perfectly clear. How does Mr. Stevenson meet it? He asserts that I impugn the authority of the Roll, because it included 'the extinct titles of Abercrombie and Newark, and the dormant titles of Ochiltree and Spynie.' On which he comments :

'As to the peerages of Ochiltree and Spynie, it need only be answered that the inclusion of dormant peerages in the Roll is nothing to the point. For, by the very statement of the case, they are not extinct peerages' (p. 17).

With 'almost incredible carelessness' (to use his own phrase) my critic first attributes to me an argument I never used, and then completely ignores the argument I did use, as to Ochiltree and Spynie. It thus remains unanswered.

I have now quoted in full my paragraph on the Union Roll and have shown that Mr. Stevenson's reply to it may be thus summed up :

- (1) He more than confirms my statement as to the *inclusion* of *extinct* peerages on the Roll ;

- (2) He fully confirms my statement as to the *omission* of *extant* peerages from the Roll ;
- (3) He invents for me, on Ochiltree and Spynie, an argument I never used, and does not attempt to answer the argument I did use.

And, having done all this, the 'best all-round historical antiquary' in Scotland hastens to comment thus on his own performance :

It is impossible to pass from this exposure of the inaccuracies of Riddell's and Mr. Round's statements regarding that Roll without observing that the carelessness which made these inaccuracies possible is very seriously to be reprobated, especially in any matter, where what may be other people's rights of inheritance and *status* are involved.

The Union Roll, therefore, remains a document of very material as well as formal importance for the proof of any statement, such as we have seen canvassed, which it contains ; its inclusion of any title whose circumstances were those of the Ruthven title raises a strong presumption of the subsistence of that title¹ at its date (p. 20).

May I suggest, in all humility, that it is impossible to pass from this exposure of Mr. Stevenson's arguments and methods without observing that the carelessness which made his inaccuracy possible and the singular audacity with which he claims to have exposed statements he is actually forced to confirm in full, should be sufficient to prove the weakness of his case and to absolve me from further exposure of the methods to which he is reduced.²

When Mr. Stevenson asserts (p. 54) that such statements of mine as he has examined 'have crumbled to pieces in the handling,' I would ask to be excused from describing that assertion in the language I might fairly employ.

¹ But, even so, not, as I have shown by Ochiltree and Spynie, of the validity of any one's assumption of it.

² Mr. Stevenson concentrates his fire as to the Union Roll, on 'Mr. Round's statement that the Judges had found that twenty-five of the titles on the Union Roll were doubtfully extant when they were placed there' (p. 18). My readers are now, doubtless, prepared to learn that I have nowhere made any such statement. The statement that the Lords of Session found 'the titles of no less than twenty-five Peers of that Roll dubious' is triumphantly cited by Riddell from *Douglas*, who is therefore the person responsible for it. I am in no way responsible for its accuracy, nor did I myself impugn more than *two* titles, besides Ruthven, on the Roll.

J. H. ROUND.

(*To be continued.*)

The Early History of the Scots Darien Company

I. INTRODUCTION

THE Company of Scotland trading to Africa and the Indies owed its origin to the desire of the Scots to enjoy economic advantages similar to those possessed by the other nations of Europe. The remarkable interest in commercial companies which is characteristic of the history of Europe in the seventeenth century was late in reaching Scotland. She was, in fact, the last of the nations to charter such a company. Her people were renowned for bravery rather than business ability. The country was poor.

Efforts to promote trade had been made from time to time. In the first part of the century, while the rulers of Britain were more Scots than English, the northern kingdom had prospered commercially. During the Civil War industry almost died out, and there were scarcely any well-to-do merchants.¹ Under Cromwell, trade revived,² but the English navigation acts of the Restoration checked Scottish ambition, although there is evidence of continued interest in mercantile enterprise.³ For an act was passed in 1661 for the encouragement of navigation and trade, restricting the importation⁴ of foreign commodities to Scots vessels, trading directly from the original foreign port. This was directed against the Dutch and the Germans, and encouraged the merchant adventurers of Glasgow⁵ to undertake shipbuilding. They sunk a large amount of capital in trying to advance trade, but the Dutch continued their importations, supported by those merchants who profited by the illegal traffic.

¹ Robt. Chambers, *Edinburgh Merchants and Merchandise in Old Times*, p. 17.

² J. Hill Burton, *History of Scotland*, vii. 55-60.

³ *Acts Parl. Scot.*, VI. i. 344, 374, 577, 578; ii. 805, 827, 879. VII. 96.

⁴ *Ibid.*, 257.

⁵ *Ibid.*, 454.

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Accordingly, in 1663 the Act was ratified and approved, and an endeavour made to enforce it. Overtures were made to secure free trade with England. King Charles II., however, was induced to favour his English subjects at the expense of Scotland, and secured the passage of an act on the last day of the Parliament of 1663⁶ asserting his prerogative in all matters concerning trade, and his right to put such restraints on trade as seemed best to him. This effectually prevented for the present any entrance into the field of foreign commerce. Feeble efforts were made to encourage home industries⁷ in 1681 by the passage of a sumptuary act⁸ prohibiting the importation of all finery, 'including all flour'd, strip'd, checker'd, paint'd, or print'd silk stuffs or Ribbands.'⁹

After the Glorious Revolution, however, and the overthrow of James the Second, the first Parliament of William III. declared the act of 1663, giving the King power to impose duties at pleasure upon foreign imports,¹⁰ a grievance, prejudicial to the trade of the nation. William, in his anxiety to secure the adherence of Scotland, gave his permission to have the act rescinded, and instructed his commissioners to procure an act for the encouragement of trade.¹¹ As a result of this,¹² an act was passed in 1693, declaring that companies might be formed for carrying on trade in foreign regions; for their greater encouragement, they were promised letters patent under the great seal.¹³

About this time in England new charters were granted to the English East India Company¹⁴ which proceeded to adopt stringent measures to 'bear down' on interlopers or ships sent out by private traders.¹⁵ A number of interlopers were owned in Scotland. Their owners became aroused at the renewed activity of the English company, and saw in the act of 1693 an opportunity to secure privileges which would put them on a legal basis, equal, if not superior, to that on which the English com-

⁶ *Acts Parl. Scot.*, VII. 503.

⁷ *Ibid.*, VII. 257.

⁸ *Ibid.*, VIII. 662.

⁹ *Ibid.*, 478.

¹⁰ *Ibid.*, IX. 45.

¹¹ Thomas Somerville, *History of Political Transactions*, 11.

¹² *Acts Parl. Scot.*, IX. 314.

¹³ The act concludes with the significant recommendation from Parliament to the King to order the recovery of the Company's losses by force of arms at the public expense if any such Company were attacked or disturbed by persons not in open war with him. This foreshadows a clause in the Act establishing the Darien Company which was to be the cause of no small anxiety to the English.

¹⁴ Bruce, *Annals of the East India Company*, 39.

¹⁵ *Ibid.*, 135.

pany operated.¹⁶ Furthermore, there were in London a number of Scots merchants who had sent out interlopers. The English company was receiving new charters and making it more and more difficult for them to carry on private trading with the Indies. They saw that their fellow-countrymen were anxious to secure foreign trade on a considerable scale. They too saw in the act of 1693 an opportunity to enlarge their operations on a secure legal basis. About the beginning of May, 1695, one of them, Mr. James Chiesly, conferred with his friend, William Paterson, as to the possibility of establishing an East India Company in Scotland,¹⁷ and asked him what was best to be done about it.¹⁸

William Paterson, the Scotsman whose name is inextricably bound up with the whole history of the Darien Company, was at this time a fairly well-to-do London merchant about thirty-five years old.¹⁹ He was one of the founders of the Bank of England—in fact, the credit for the plan of the Bank belongs to him perhaps more than to anyone else. Of his early life various stories are told. He had had many experiences, and had been in the West Indies.²⁰ He claimed to have been on the Isthmus.²¹ He was a visionary rather than a practical man of affairs. Some of his ideas were brilliant, and, as in the case of the Bank of England, worked well when carried out by men with more commonsense than he had. His idealistic tendencies and his lack of tact had brought him into conflict with his colleagues of the Bank, and he had left the directorate under somewhat of a cloud.²² One of his most cherished ideas was the establishment on the Isthmus of America of a free port,²³ which, by reason of its geographical position, might handle the greater part of the commerce between Europe and the far East. As a scheme it was magnificent. It was planned to benefit not only its pro-

¹⁶ It was doubtless from one of these that there came the *Treatise touching the East Indian Trade*, in which it was pointed out that, although Scotland had an abundance of ports and harbours, she had little commerce and no colonies or settlements. It was urged that the opportunity presented by the Act of 1693 be improved.

¹⁷ *Jour. Ho. Com.*, xi. 400. ¹⁸ J. Hill Burton, *History of Scotland*, 1897, viii. 20, 21.

¹⁹ William Pagan, *The Birthplace and Parentage of Wm. Paterson, Founder of the Bank of England and Projector of the Darien Scheme*.

²⁰ Report by William Paterson to the Directors, *Dar. Pap.*, 179.

²¹ Letter from Paterson to the Directors, in John Dalrymple's *Memoirs of Gt. Brit. and Irel.*, iv. 154-156.

²² Francis, *History of the Bank of England*, i. 66.

²³ J. Hill Burton, *History of Scotland*, 1897, viii. 20 and 41; S. Bannister, *The Writings of William Paterson*, i. 109-160.

moters, but humanity; for profits were to be small and prices reduced. He had carried this project to various parts of the north of Europe, and endeavoured to get the Dutch and the Germans to take it up. It had also been offered in London. But in all these places the practical men of affairs saw the insurmountable difficulties that lay in the way of any such undertaking and refused to touch it, although willing enough to profit by it if such a port were ever established. So it was reserved for the Scots, brave in spirit but inexperienced in foreign trade, to attempt the magnificent but impossible scheme. The greatest difficulty in the way was the location of the free port in the very heart of the King of Spain's most treasured possessions, and within a couple of hundred miles of that port from which all the wealth of the Peruvian mines was sent yearly to Spain. It was not to be imagined for a moment that the King of Spain would allow his dominions to be encroached upon at such a vulnerable point. There were other objections, but this was the chief one, and one that was amply sufficient to those who understood the condition of affairs. To Paterson, on the other hand, the advantages of the scheme far outweighed the obstacles, and he kept hoping against hope that some day it might be carried out. When Mr. Chiesly approached him in May, 1695, requesting ideas for a charter which they had good hopes of securing from the Parliament of Scotland, Paterson produced the draft of an act providing for large privileges and extraordinary concessions.²⁴ But no mention was made of Darien. That secret was too precious to be broached until the Company was actually under way.

This draft with some amendments was finally adopted and became the charter of the Company, known first as the 'African Company,' and later as the 'Darien Company.'

The Company itself was the expression of Scotland's desire to join in seventeenth century appreciation of sixteenth century discovery; the immediate occasion for its establishment was the pressure exerted by the English East India Company on private merchants; the form which it took was due to the imagination of one of the idealistic financiers who flourished during that epoch.

II. THE ACT OF INCORPORATION

Paterson's draft for the act, being approved by the London merchants, was sent to their friends in Edinburgh, presented to

²⁴ *State of Mr. Paterson's Claim upon the Equivalent*, 1712, p. 9.

Parliament on the 12th of June, 1695, and referred to the Committee on Trade.¹ Public interest had, in the meantime, been aroused by the publication of a sheet entitled, 'Proposals for a Fond to Cary on a Plantation.'² We are informed by it that 'persons of all ranks, yea the body of the nation, are longing to have a plantation in America,' but it is quite possible that this was issued to arouse that very longing. This was followed by a little pamphlet entitled 'Memorial to the Members of Parliament of the Court Party.'³

On Saturday, the 15th of June, the bill was read and considered by the committee, who ordered that two of their number, Lord Belhaven and Sir Francis Scott, who were later prominently identified with the Company, should confer with the Lyon King at Arms in regard to a seal for the Company.⁴ The names of the patentees had not yet been decided upon, but an understanding that half of them were to be Scots was soon reached. An amendment looking towards the exemption of members of the Company from legal inconveniences was suggested, besides various other amendments. On Monday, the 17th of June, the committee considered such matters as the duties on muslin, an act in favour of manufacturing, and a motion looking toward the establishment of the principle of the 'open shop.' On Tuesday more amendments were made to the Company's act; and on Wednesday, Lord Belhaven being in the chair, it was again considered; as was also an act for the manufacturing of gunpowder. On Friday it was further amended, and the names of the patentees inserted, but they were not finally selected until the following Tuesday, when the act, as amended by the committee, was finally agreed upon, and ordered to be reported.

It may be of interest to note, in this connection, that on this same day the committee consider acts relating to 'skinners' or furriers; the manufacturing of leather, salt, and combs; the herring fishery, and the post office. Trade was looking up.

On the 26th of June, a fortnight after its first introduction, the act establishing the Company of Scotland Trading to Africa and the Indies was reported back from the Committee, read in

¹ *Acts Parl. Scot.*, II. 367.

² The only known copy is in the John Carter Brown Library, Providence, R.I.

³ John Scott, *Darien Bibliography*, p. 10.

⁴ MS. Minutes of the Committee on Trade, preserved in the General Register House in Edinburgh. These were not known to Hill Burton. *Vid.* his *History of Scotland*, viii. 22.

Parliament, passed, and touched with the sceptre in the usual manner.⁵

Reasons for this haste are not far to seek. The Act had powerful supporters, and it was not likely to be palatable to the English. If its passage had been delayed, William's English councillors might have persuaded him to disallow it, or have it amended, so as to render it abortive.

The Act as passed contained first a preamble, or narrative, which based it on the Act of 1693.⁶ It then proceeded to constitute ten Scotsmen and ten Englishmen, whose names follow, 'a free incorporation with perpetual succession.' No limit was placed on their capital stock except that at least half was to be set aside for residents of Scotland.⁷ No one could hold less than 100 pounds of stock, nor more than 3000 pounds.

Shares subscribed for by residents of Scotland were not 'allowable to any other than Scotsmen living within this kingdom.' It was declared that no part of the capital stock, or of the real or personal property belonging to the Company should be liable to any manner of confiscation or seizure for any reason whatsoever.⁸ Creditors of members of the Company were allowed to have a lien upon the profits pertaining to their debtors without having any further right over the debtors' stock. The patentees were given the right to make all such rules and ordinances as they thought needful for the government of the Company. They also had the right to administer and take oaths *de fidei*.

They were empowered for the space of ten years to fit out and navigate their own or hired ships in such manner as they thought fit. Their vessels could thus be fully armed.⁹ They were allowed to sail from any port or place in Scotland, or from any place in amity with His Majesty, to any place in Asia, Africa, or America, there to plant colonies in any uninhabited place, or in any other place, by consent of the inhabitants, provided it was not possessed by any European sovereign. Paterson thought this covered the Isthmus of Darien. They were allowed to fortify such places and defend them by force of arms; also to make reprisals. They could conclude treaties of peace and commerce with the governments of any place in Asia, Africa, or America.

Furthermore, they were given a wide monopoly. No subject

⁵ *Acts. Parl. Scot.*, IX. 377.

⁶ *Full and Exact Collection of All the . . . Papers Relating to the Company*, 1700, p. iii.

⁷ *Ibid.*, p. iv.

⁸ *Ibid.*, p. v.

⁹ *Ibid.*, p. vi.

of Scotland was allowed to trade with any place in Asia or Africa 'in any time hereafter, or in America for and during the space of thirty-one years,' without permission from the Company, under penalty of forfeiting one-sixth of the value of the ships and cargo to His Majesty, and one-sixth to the Company. The Company was allowed to seize any such ships and cargoes in any place of Asia or Africa, or off their coasts.¹⁰ Subjects of Scotland might, however, trade without prejudice in any part of America which the Company had not settled. This was intended to protect those Scots who already had a considerable trade in those parts. At this very time the Scots merchants in London were building ten frigates to secure their trade to the West Indies.¹¹

The Patentees were given absolute title to all places of which they should possess themselves, with full rights of government and admiralty, and of delegating to others such rights as they thought fit and convenient. They had power to impose and exact such customs duties as they thought needful. To His Majesty and his successors for the acknowledgment of their allegiance, they were to pay yearly a hogshead of tobacco by way of Blench-duty. The Company was given power to procure privileges from any foreign power at peace with His Majesty, for which the existing treaties of peace gave sufficient security.¹²

One of the most remarkable provisions of the Act, and one which occasioned considerable feeling in England, was that, if any of the persons or effects of the Company should be seized or damaged, the King agreed to have restitution made at the public charge. This seemed to promise that the prestige and arms of England should be used to settle any difficulties which the Company might get into with foreign powers, and was used by the Company as a great point in securing subscriptions. Opponents of the Company also tended to exaggerate the importance of this provision by claiming that it bound the King of England to go to war for the benefit of Scotland, and that as Scotland was poor and weak the war would be paid for by England.

All property of the Company was to be free from taxes for the space of twenty-one years, excepting that tobacco and sugar, not grown in their own plantations, were to pay the regular

¹⁰ *Full and Exact Collection of All the . . . Papers Relating to the Company*, 1700, p. viii.

¹¹ 'Saturday 29 June.' Narcissus Luttrell, *Brief Historical Relation*, iii. 492. The entry in his diary.

¹² *Full and Exact Collection*, p. viii.

duties; but everything else which their ships might bring in was to come duty free. Here, again, was cause for alarm to the merchants of London, who saw the possibility of large quantities of low-priced merchandise being smuggled into England from Scotland, where it had paid no duty.

No member, officer, or servant of the Company could be arrested or confined; and, in case they were, the Company was authorised to release them; and all magistrates, civil or military, were instructed to assist under pain of being liable for damages.¹³

The Company and its officers and members were to be free 'both in their persons, estates and goods employed in the said stock and trade from all manner of taxes, cesses, supplies, excises, quartering of soldiers, transient or local, or levying of soldiers, or other impositions whatsoever, and that for and during the space of twenty-one years.'

Lastly, all persons concerned in the Company were declared to be free citizens of Scotland, all those which settled or inhabited any of their plantations were to be regarded as natives of Scotland, and to have the privileges thereof.¹⁴

Such was the Act upon which were to be based the hopes of a large part of the Scottish nation. No wonder it was said that His Majesty had granted 'a large and glorious patent, not to be paralleled by that of any Company or Society in the Universe.'¹⁵ Theoretically, it was almost perfect. With permission to plant colonies in every part of the unclaimed world, with free trade for a long period of years, and freedom from all kinds of embarrassing legal restrictions, with the promise of the King of England to assist them in maintaining their agreements and privileges with other nations, it seemed as though Scotland must soon surpass all other countries in the extent and opulence of her trade. The chartered companies of other countries were hampered by many rules and restrictions, from which hers was to be free. Had the Scottish patentees been experienced in business, with a large knowledge of the world, and the ways of commerce, it is possible that the Clyde might much earlier have become that emporium which it was later destined to be. Scarcely had the Act been passed, however, before the incompetency of the incorporators became apparent, and the troubles and discords which were to ruin the Company began to show themselves.

HIRAM BINGHAM.

¹³ *Full and Exact Collection*, p. ix.

¹⁴ *Ibid.*, p. x.; *Acts Parl. Scot.*, IX. 377.

¹⁵ *Defence of the Scots Abdicating Darien*, 1700, p. ii.

(To be continued.)

The 'Scalacronica' of Sir Thomas Gray

The Reign of Edward I. as chronicled in 1356 by Sir Thomas Gray in the 'Scalacronica' and now translated by the Right Hon. Sir Herbert Maxwell, Bart., continued.

MS. o. 199 **T**HE King of Scotland, John de Baliol,¹ sent to crave peace from the King [Edward], submitted to his grace and surrendered to the king,² with his son Edward, whom he offered to him as hostage for his good behaviour, and these two were taken and sent to London, and forbidden to pass further than twenty leagues around the city.

King Edward of England occupied all the castles of Scotland, and rode through the country until he came to Stokforthe,³ and appointed his officials, and, in returning, caused to be carried away from the abbey of Scone the stone whereon the kings of Scotland were wont to be seated at the beginning of a reign, and caused it to be taken to London at Westminster, and made it the seat of the priest at the high altar.

King Edward of England caused summon his Parliament at Berwick, where he took homage from all the magnates of Scotland, to which he had their seals appended in perpetual memory,⁴ and thence he repaired to England, where, at the abbey of Westminster,⁵ he committed the custody of Scotland to the Earl of Warenne, with a seal of government for the same, and said in jest: 'He does good business who rids himself of dirt!'⁶ The

¹ So Sir Thomas Gray styles him; but the Scottish monarchs were never styled Kings of Scotland, but Kings of Scots.

² July 2, 1296.

³ Perhaps Stracathro or Stocket Forest in Aberdeenshire.

⁴ The Ragman Roll, 1296.

⁵ Westminster, the 'new minster' of Edward the Confessor.

⁶ *Bon besoigne fait qy de merde se deliuer*: reminding one of the famous *mot de Cambroune* at Waterloo.

king appointed Hugh de Cressingham his Chamberlain of Scotland, and William de Ormesby Justiciar, and laid commands on them that all persons of Scotland above fifteen years should do homage, and that their names should be inscribed. The clerks took a penny¹ from each, whereby they became wealthy fellows. The King ordained that all lords of Scotland should remain beyond the Trent, so long as his war with France should last. In which year of grace 1297 he levied [a tax of] half a mark sterling upon every sack of wool in England and Scotland, which before paid no more than fourpence; wherefore it was called *la mal tol*. The King went to Gascony.

At which time [1297] in the month of May William Wallace ^{MS.} was chosen by the commons of Scotland as leader to raise war ^{fo. 199^b} against the English, and he at the outset slew William de Hesilrig at Lanark, the King of England's Sheriff of Clydesdale.² The said William Wallace came by night upon the said sheriff and surprised him, when Thomas de Gray,³ who was at that time in the suite of the said sheriff, was left stripped for dead in the mellay when the English were defending themselves. The said Thomas lay all night naked between two burning houses which the Scots had set on fire, whereof the heat kept life in him, until he was recognised at daybreak and carried off by William de Lundy, who caused him to be restored to health.

And the following winter, the said William Wallace burnt all Northumberland. The Earl of Warenne, who was Keeper of Scotland for the King of England, being in the south,⁴ turned towards Scotland; where at the bridge of Stirling he was defeated by William Wallace, who, being at hand in order of battle,⁵ allowed so many of the English as he pleased to cross over the said bridge, and, at the right moment,⁶ attacked them, caused

¹ *Vn denar*.

² His proper name was Andrew de Livingstone, usually termed de Heselrig or Hazelrig, as in the death sentence of Wallace, probably on account of his official residence.

³ Father of the chronicler.

⁴ Warenne, or Surrey, which was his principal title, had been recalled on 18th August for service with King Edward on the Continent, and Sir Brian Fitz Alan was appointed Keeper of Scotland in his place. But Sir Brian having raised a difficulty about his salary (£1128 8s.), the Prince of Wales wrote on 7th Sept., 1298, requiring Surrey to remain at his post. (See Stevenson's *Documents illustrative of the History of Scotland*, ii. 230.)

⁵ *En batail*, in force or in order of battle; used in both senses.

⁶ *A soun point*.

the bridge to be broken, where many of the English perished, with Hugh de Cressingham, the King's Treasurer; and it was said that the Scots caused him to be flayed, and in token of hatred made girths of his skin. The Earl of Warenne took flight to Berwick. William Wallace, to whom the Scots adhered, immediately after this discomfiture, followed¹ the said Earl of Warren in great force, and skirting Berwick, arrived on Hutton Moor in order of battle; but perceiving the English arrayed to oppose him, he came no nearer to Berwick, but retired and bivouacked in Duns Park.²

The said Earl of Warren, on the approach of William Wallace, took his departure from Berwick, leaving the said town waste, and went to the King's son, who was Prince of Wales, because the King was in Gascony.³

On account of these tidings the King returned to England. At the first coming of the Earl of Warenne to Scotland, the Bishop of Glasgow⁴ and William Lord of Douglas⁵ came to give assurance that they were no parties to the rising of William Wallace, albeit they had been adherents of his previously;⁶ wherefore the said earl caused them to be imprisoned—the bishop in Roxburgh Castle, William de Douglas in Berwick Castle, where he died of vexation.⁷

William Wallace, perceiving the departure of the Earl of Warenne, sent the chevalier Henry de Haliburton to seize Berwick, and appointed others to besiege Robert de Hastings in Roxburgh Castle with a strong force.

MS. fo. 200 Robert the son of Roger, who at that time was lord of Warkworth, with John the son of Marmaduke, with other barons of the counties of Northumberland and Carlisle, mustered quickly and came by night to Roxburgh, and came so stealthily upon the Scots that, before they knew where they were, the English were upon them and killed the engineers who were handling the

¹ *Suyst*, misprinted *fuyst* in Maitland Club Ed.

² Not Duns Park on Whitadder, but in a place which then bore that name a little to the north of Berwick.

³ He was in Flanders.

⁴ Robert Wishart, one of the Six Guardians appointed on the death of Alexander III. in 1286.

⁵ Sir William de Douglas 'le Hardi,' a crusader: father of 'the Good Sir James.'

⁶ They deserted him at the capitulation of Irvine, July, 1297.

⁷ *De mischef*. He was transferred to the Tower of London, where he died in 1298.

hooks of the engines¹ to shoot into the castle ; whereby they [the Scots] were thrown into confusion, many being slain. Henry de Haliburton, with others who were in Berwick, hearing of this reverse, drew off without delay, leaving the said town empty.

The said English lords recovered the said town of Berwick, and held it until the arrival of the King, who, returning from Gascony, approached Scotland in great force, entered it by Roxburgh, advanced to Templeliston and Linlithgow, and so towards Stirling, where William Wallace, who had mustered all the power of Scotland, lay in wait and undertook to give battle to the said King of England. They fought on this side of Falkirk² on the day of the Magdalene in the year of grace *mille cclxxx et xv*,³ when the Scots were defeated. Wherefore it was said long after that William Wallace had brought them to the revel if they would have danced.⁴

Walter, brother of the Steward of Scotland, who had dismounted [to fight] on foot among the commons, was slain with more than ten thousand of the commons.⁵ William Wallace, who was on horseback, fled with the other Scottish lords who were present. At this battle, Antony de Bek, Bishop of Durham, who was with King Edward of England, had such abundance of retinue that in his column there were thirty-two banners and a trio of earls—the Earl of Warwick,⁶ the Earl of Oxford,⁷ and the Earl of Angus.⁸

At this time the town of St. Andrews was destroyed. The King reappointed his officials in Scotland, betook himself to England, making pilgrimage to holy tombs,⁹ thanking God for his victory, as was his custom after such affairs.

¹ *Lez engines a trier.*

² *Ou de sa [deça] le Fawkirk.*

³ A clerical error. The date was 21st July, 1298.

⁴ *Qe Willam Walays lour auoit amene au karole dauncent sils uolount.*

⁵ It was Sir John Stewart of Bonkill who was thus slain, at the head of his Selkirk bowmen. Gray's estimate of the slain is more reasonable than that of clerical writers. Walsingham puts the number at 60,000, probably three times as much as Wallace's whole force : Hemingburgh reduces it to 56,000.

⁶ Guy de Beauchamp, Lord Ordainer : d. 1315.

⁷ Probably de Vere, 6th Earl. The line was extinguished in 1703 in the person of Aubrey de Vere, 20th Earl of Oxford.

⁸ Gilbert de Umfraville, Earl of Angus : d. 1307.

⁹ Or 'to relics of saints'—*les corps saintz.*

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In the following year, the year of grace *mille cc.lxxx.xix*, on the day of the translation of St. Thomas,¹ arrived legates from the Court of Rome to King Edward at Canterbury, praying and admonishing the King that he would leave John de Baliol, lately King of Scotland, in the keeping of the Holy Father, since he had surrendered to his mercy. The King granted this, provided he [John] should not enter Scotland, which was undertaken, and the said John was delivered, who betook himself to the estate of Baillof, his heritage in Picardy, where he resided all [the rest of] his life.

MS.

fo. 200^b

In the following year, owing to the diligence of persons in Scotland and the setting forth of all the evidence they could devise, letters came from Pope Boniface to King Edward of England, declaring that the realm of Scotland was held in fief of the Court of Rome, and that he had intruded to the disinheritance of the Roman Church;² desiring him and admonishing him to remove his hand. The King caused a general parliament to be summoned to Lincoln, where it was declared by all laws imperial, civil, canonical and royal, and by the custom of the Isle of Britain in all times from the days of Brutus, that the sovereignty of Scotland belonged to the regality of England, which was announced to the Pope.

The said King Edward went to Scotland, invested the castle of Carlaverock³ and took it, after which siege⁴ William Wallace was taken by John de Menteith near Glasgow and brought before the King of England, who caused him to be drawn and hanged in London.⁵

The said King caused the town of Berwick to be surrounded with a stone wall, and, returning to England, left John de Segrave Guardian of Scotland. The Scots began again to rebel against King Edward of England, and elected John de Comyn their Guardian and Chief of their cause. At which time ensued great passages of arms between the Marches, and notably in Teviotdale, before Roxburgh Castle, between Ingram de Umfraville,⁶ Robert de Keith, Scotsmen, and Robert de Hastings,

¹ 7th July, 1299.

² *Legis Romayne* in MS. misprinted *legatis Romayne* in *Maitland Club Edition*.

³ July, 1300.

⁴ Five years after: viz. in the summer of 1305.

⁵ 23rd August, 1305.

⁶ This Earl of Angus, who inherited through Matilda, heiress of the Celtic earls, was a staunch supporter of King Edward, and it seems strange to find him fighting for the Scottish cause.

warden of the said castle. John de Segrave, Guardian of Scotland for King Edward of England, marched in force into Scotland with several magnates of the English Marches, and with Patrick Earl of March, who was an adherent of the English King, came to Rosslyn, encamped about the village, with his column around him. His advanced guard was encamped a league distant in a hamlet. John Comyn with his adherents made a night attack upon the said John de Segrave and discomfited him in the darkness; and his advanced guard, which was encamped at a distant place,¹ were not aware of his defeat, therefore they came in the morning in battle array to the same place where they had left their commander overnight, intending to do their devoir, where they were attacked and routed by the numbers of Scots, and Rafe the Cofferer was there slain.

Because of this news King Edward marched the following year² into Scotland, and on his first entry encamped at Dryburgh. Hugh de Audley, with 60 men-at-arms, finding difficulty in encamping beside the King,³ went [forward] to Melrose and took up quarters in the abbey. John Comyn, at that time Guardian of Scotland, was in the forest of Ettrick with a great force of armed men, perceiving the presence of the said Hugh at Melrose in the village,⁴ attacked him by night and broke open the gates, and, while the English in the abbey were formed up and mounted on their horses in the court, they [the Scots?] caused the gates to be thrown open, [when] the Scots entered on horseback in great numbers, bore to the ground the English who were few in number, and captured and slew them all. The chevalier, Thomas Gray,⁵ after being beaten down, seized the house outside the gate, and held it in hope of rescue until the house began to burn over his head, when he, with others, was taken prisoner.

King Edward marched forward and kept the feast of Christmas⁶ at Linlithgow, then rode⁷ throughout the land of Scotland, and marched to Dunfermline, where John Comyn perceiving that he could not withstand the might of the King of England, rendered himself to the King's mercy, on condition that he

¹ Or 'at the distance of a league'—*ge herbisez estoit de ly en lieu loinz.*

² May, 1303. The battle of Rosslyn was fought 24th February, 1302-3. The new year being then reckoned to begin on 25th March. Edward's invasion was correctly dated in the following year.

³ *Si eisement ne purroient my estre herbisez de lee le roy.*

⁴ *A la maner.*

⁵ Father of the chronicler.

⁶ A.D. 1303.

⁷ *Chenaucha.*

MS.
fo. 201

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and all his adherents should regain all their rightful possessions, and they became again his [Edward's] lieges; whereupon new instruments were publicly executed.

John de Soulis would not agree to the conditions; he left Scotland and went to France, where he died.¹ William Oliphant, a young Scottish bachelor, caused Stirling Castle to be garrisoned, not deigning to consent to John Comyn's conditions, but claiming to hold from the Lion.² The said King Edward, who had nearly all the people of Scotland in his power and possession of their fortresses, came before Stirling Castle, invested it and attacked it with many different engines, and took it by force and by a siege of nineteen weeks.³ During which siege, the chevalier Thomas Gray was struck through the head below the eyes by the bolt of a springald, and fell to the ground for dead under the barriers of the castle. [This happened] just as he had rescued his master, Henry de Beaumont, who has been caught at the said barriers by a hook thrown from a machine, and was only just outside the barriers when the said Thomas dragged him out of danger. The said Thomas was brought in and a party was paraded to bury him, when at that moment he began to move and look about him, and afterwards recovered.

The King sent the captain of the castle,⁴ William Oliphant, to prison in London, and caused the knights of his army to joust before their departure at the close of the siege. Having appointed his officers throughout Scotland, he marched to England, and left Aymer de Valence, Earl of Pembroke, as MS. Guardian of Scotland, to whom he gave the forests of Selkirk fo. 201b and Ettrick, where at Selkirk the said Aymer caused build a pele, and placed therein a strong garrison.

¹ He was joint-Guardian with Comyn; was banished by King Edward in 1304 and d. 1318.

² *Se clamoit a tenir du Lioun*: apparently from the Lion as emblem of Scotland.

³ For the details of this siege, and the names of the siege engines, see Bain's *Calendar of Documents relating to Scotland*, ii. 420.

⁴ *Chastelain*.

(To be continued.)

[The collation of the Maitland Club edition of *Scalacronica* with the original MS., part of which was done by Miss Bateson, has been continued and completed by Mr. Alfred Rogers, University Library, Cambridge. I desire to acknowledge, in addition, the valuable assistance I am receiving in the work of translation from Mr. George Neilson, F.S.A.Scot.

HERBERT MAXWELL.]

Reviews of Books

CAMBRIDGE MODERN HISTORY. Vol. iii. *The Wars of Religion*.
Pp. xxviii, 914. Ry. 8vo. Cambridge: University Press, 1904.
16s. nett.

THIS volume covers, roughly speaking, the last half of the sixteenth and the first quarter of the seventeenth centuries. It is divided into twenty-two chapters, contributed by sixteen different writers. Of these all but two are of British birth. But one of these, Count Ugo Balzani, who discourses of Rome under Sixtus V., has lived so much in England, and is so well known to historical scholars on this side of the Channel, that he is almost as one of ourselves. Yet if this great work planned by Lord Acton is to be, as one presumes it was meant to be, a great monument of British historical scholarship, we cannot but regret the inclusion of foreign scholars. In the interests of the study of European history among ourselves, it would have been advisable to entrust all the articles required to writers in their native language. No doubt to this volume there are an unusual number of contributors whose names are already identified with the subjects entrusted to them: but in previous volumes, new, young writers have had a chance which they have not been slow to seize, and even this present instalment would not have suffered materially by the infusion of a little more fresh blood. Two, certainly not the least distinguished of the company of contributors, had passed away before the volume appeared—Dr. S. R. Gardiner, who of course tells again the story of James VI. and I.; and Mr. T. G. Law, who gives a careful and dispassionate account of Queen Mary Stewart, and the important part which she played in the politics of Europe. He is content shortly to state the difficulties with regard to the acceptance or the rejection of the Casket Letters without expressing an opinion of his own. Indeed, the space at the disposal of the writers forbids any argumentative treatment of even the more important points. What we have to expect in the body of the work is a summary of conclusions drawn from the most authoritative sources, and for the grounds on which these conclusions are based, we must turn to the extensive and somewhat bewildering bibliographies at the end of the volume. In these, although most of the compilers disclaim any attempt at completeness, none but serious students will find much enlightenment. An occasional remark is added on the date or scope of a particular work, but no attempt is made to guide the reader in determining between the respective merits of the long lists of books in many European languages. It is a real cause for regret that some detailed information was not given of a few of the more important

authors, and that the names of any others were not left to professed bibliographical works. Among the chapters of more general interest is one dealing with French Humanism and Montaigne. But it is too short to be effective. Four pages out of nineteen are devoted to Montaigne—none too many to that curiously detached personality. But it is easier to find information about him than about any of the other writers dealt with, and such important people as Joseph Scaliger and Isaac Casaubon do not cover a page between them; while such a string of names as 'Estienne Pasquier, Antoine Loisel, the brothers Pithou, Guy du Faur de Pibrac,' and so on, about most of whom no further word is said, is a mere parade of knowledge. On the other hand, Mr. Neville Figgis contributes an excellent summary of the political thought in the sixteenth century, where we are allowed to appreciate, uninterrupted by biographical or bibliographical details, the formulation of the great principles of political thought which so profoundly influenced action in the two succeeding centuries. It is a chapter in the history of political philosophy which deserves to be known far more widely than is usual, even among those who claim some acquaintance with the leading writers in this branch of speculative science. A fourth part of the volume is devoted to British History—a larger proportion than in any other of the series, and it is entrusted throughout to competent hands. Mr. Sidney Lee has a right to be heard on Elizabethan Literature, and Professor J. K. Laughton's interesting contribution on the naval contest with Spain does not invest with too rosy colours the doings of the English seamen. In his eyes, the 'ignorance, disobedience, and presumption' of Sir Richard Greynville was more noteworthy than the bravery with which he and the crew of the 'Revenge' immortalised their defeat. The stirring tale of the Revolt of the Netherlands is given by the Rev. George Edmundson; the dull but necessary and important history of imperial affairs after the retirement of Charles V. on to the eve of the outbreak of the Thirty Years' War, is told, not for the first time, by the Master of Peterhouse. Mr. Martin Hume, of course, treats of Spain; Mr. Nisbet Bain, equally of course, deals with Poland. The French Wars of Religion go to Professor A. J. Butler, while Mr. Armstrong consoles himself (and us) with what may be called the later history of Tuscany, or the earlier history of Savoy. The Turks fall to Dr. Moritz Brosch, while Mr. Stanley Leathes, one of the working editors of the series, deals with the important period of Henri Quatre. The whole volume is full of attractive subjects, and it maintains the high standard of the series.

DUDLEY J. MEDLEY.

HENRY THE THIRD AND THE CHURCH: A STUDY OF HIS ECCLESIASTICAL POLICY AND OF THE RELATIONS BETWEEN ENGLAND AND ROME. By Abbot Gasquet, D.D. London: George Bell & Sons, 1905. 8vo. 12s. nett.

THOSE who know the temperate judgment which Abbot Gasquet has displayed in his contributions to historical study have no need to be reminded of his fairness of mind in approaching such thorny subjects

as the ecclesiastical policy of Henry III., and the relations between England and Rome during the reign of that monarch. But Dr. Gasquet has thought fit to make his apology at the outset, and declare the principles which guided him throughout his inquiry. It has been his endeavour, he says, to hold an even balance between two extremes—the tendency to minimise and the tendency to exaggerate—and in pursuance of this resolve he has been content to construct his narrative as far as possible from the language of the chroniclers and the documentary records of the period. No exception can be taken to this attitude of mind provided that the requisite self-control is manifested in the interpretation of evidences which appear to contradict the broad conclusions to which the narrative of the author points. One thing at least is admirable in Dr. Gasquet's method: there is no hesitancy about his ecclesiastical views—he has the courage of his convictions. After reviewing the difficulties which beset the student of this unique period in the history of the English Church, his verdict on the relations between England and Rome has been tabulated with commendable precision. The Pope of Rome was the suzerain power in England, or, in other words, the country was a fief of the Holy See. This state of things was not acceptable to either the clergy or the laity of the kingdom. There was widespread discontent on account of the rapacity of the Roman officials in church and state. The discontent, however, was reasonable, inasmuch as it was absolutely confined to opposition to the constant demands made upon the revenues of English churches, and to the introduction of foreigners to English benefices. And, last and most important of all, there was no attack during the reign on 'the spiritual supremacy of the popes': the Catholic theory of papal authority was frequently assumed in unmistakable terms by those most determined in their opposition to local abuses of the papal jurisdiction. These are the propositions which the author sets forth after an impartial study of the evidences of that period.

There is no need to take sides in a controversy of this kind. Men differ, and will continue to differ about the subtleties which underlie such a thesis as 'the spiritual supremacy of the popes' in England, whatever that phrase may mean. Dr. Gasquet has set himself the task of telling his story in the documentary language of the period of which he writes, but we cannot recall a single document of the thirteenth century where the papal supremacy is mentioned. As a matter of fact it was some centuries later that the phrase arose and became the subject of acute discussion. That the pope had power in England nobody can gainsay, and that power may be said to have reached its highest limit during the reign of Henry III. In an excellent chapter Dr. Gasquet has told us how it was attained. At one time King John said that with the common consent of his barons he had resigned his crown into the hands of the papal legate, and at another that it was by divine inspiration he had done so. Dr. Gasquet takes leave to doubt the truth of the King's first assertion, and an old historian like Jeremy Collier was obliged to remark on the second

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that it was an odd stretch of the supremacy to make John 'a vassal and a hypocrite at the same time.' But perhaps on one proposition all shades of opinion may agree. If one King with or without the consent of his subjects could place the kingdom under the suzerainty or overlordship of a foreign authority, there can be no serious opposition to the subsequent occurrence in English history when that surrender was definitely annulled, and the kingdom withdrawn by future sovereigns. It is no fault of Dr. Gasquet's work that he has confined himself to a single reign, though one would have wished to see the larger issue discussed with more comprehension. The treatment of great questions piecemeal has evident drawbacks, and it makes little matter how independent and conscientious a writer may be, he is apt to leave behind him a wrong impression. There is nothing in these pages to warn the reader that the relations between England and Rome were not always so close during the medieval period. One lays aside the book with the feeling that the author had selected the reign of Henry III. as characteristic of 'the spiritual supremacy of the popes' in England before the ecclesiastical revolution in the sixteenth century. It is true that such did not come within the scope of the work, but when such prominence is given to the argument about papal supremacy, and every shred of conventional or euphemistic phraseology in official or complimentary letters is reproduced without abridgment, a word might have been said to indicate that the ecclesiastical policy of Henry III. was exceptional, and that succeeding kings were obliged to modify, limit, or reverse it as the requirements of church or state demanded.

It is a matter of taste whether Dr. Gasquet has adopted the best method of presenting us with an ecclesiastical history of the reign. Some readers might not be inclined to regard 'the spiritual supremacy of the popes' as a *vexata quaestio*, and in consequence they might not care to hear so many arguments in its support. On the other hand they might desire to know more of the results of the new policy on the religious condition of the people—the high spiritual advantages accruing to the English nation from its august vassalage to the Holy See. In vain will they look through these pages for any such presentation. Nobody with the documents before him can deny the almost unlimited power of Rome in England in the thirteenth century, and few students will be bold enough to say that the English Church had reached its highest level while the papal power was practically supreme. It is probable many will be found to agree with Matthew Paris that the devotion of the English clergy and people to their mother, the Church of Rome, and to their father and pastor, the Pope, was fast expiring after some experience of the actualities of subjection. But taking the book as a whole, and remembering the concessions that the author has made to those not likely to agree with him, one cannot withhold a word of praise for the diligent research manifest in every chapter, and the studied fairness with which one of the hottest of modern problems has been handled.

JAMES WILSON.

McKechnie: Magna Carta

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MAGNA CARTA: COMMENTARY ON THE GREAT CHARTER OF KING JOHN, WITH AN HISTORICAL INTRODUCTION. By W. S. McKechnie, M.A., LL.B., D.Phil. Pp. xix, 607. Demy 8vo. Glasgow: MacLehose, 1905. 14s. nett.

ALTHOUGH those who are least familiar with the contents of Magna Carta are among the most devout believers in its supreme importance as a bulwark of British liberties, it is not possible to scoff at an ignorance which has had the good sense to single out for imaginative notice just this particular document; for it is a document which is an inexhaustible receiver of all the learning historians can provide, and still leaves room for ignorant imaginings. Truly to know Magna Carta, in all its forms, to know the Great Charters of the thirteenth century, and the Stewart idea of Magna Carta, and to-day's idea of Magna Carta, is to know as much constitutional history as this country can afford. It is the real Magna Carta and the Magna Carta as seen through the centuries that Dr. McKechnie has commented upon in over 600 pages, yet deeply as he has studied his subject we doubt not that he would be the first to admit that it is not exhausted. To commentary on Magna Carta there is no end, but we question whether another commentary will venture to attempt to displace this one until some generations of historical students have been at work on new material. Dr. McKechnie has searched far and wide, especially among all manner of English sources, in pursuit of his laborious enquiry; and if in variety of legal opinion there is wisdom, the means to wisdom are provided. The arrangement of the book entails some repetition, and some matter which can hardly be regarded as essential to the main purpose of the book has been included, but the commentary is unfailingly suggestive, and contains much that will be new even to specialists. Papers which have appeared since the publication of the work have already carried historical knowledge a stage further in one or two directions; for instance, on the subject of the Council of St. Albans or the history of the persons proscribed by the charter, but to point this out is only to prove that most additions to our knowledge of the thirteenth century are additions to our knowledge of the charter. Point after point of the detailed commentary will have to be weighed by those who are engaged in teaching constitutional history by means of 'Select Documents.' A single instance must here suffice: in the very elaborate discussion of the difficult chapter which treats of the 'judicium parium' the author rejects the explanation offered by Mr. Pike, which seemed likely to find adherents, namely, that the 'judicium parium' is the judgment of the feudal court, and is contrasted, not coupled, with the 'lex terrae.' Dr. McKechnie, on the contrary, takes *vel* as a subdisjunctive, and translates *and*, a translation for which a passage in the *Dialogus de Scaccario* will give warrant. He illustrates in a particularly successful way, from statements closely contemporary, what he believes to be the true drift of the clause, that judgment must precede execution. The judgment is not to be the judgment of inferiors, and the accused shall have the customary means of proof, battle, ordeal, compurgation, inquest. Careful attention is given to the important question who was the *liber homo* whom Magna

Carta was intended to benefit. The commentator, whose open-mindedness never fails him, weighs with equal respect Stubbs' singular remark that the villeins obtain little notice in the charter because 'they were free from the more pressing grievances,' and Mr. Jenks' equally remarkable utterances on the purely selfish purpose of the baronial drafters of the document. When the use of the word *liber homo* in documents closely contemporary is considered, there seems to be less cause for hesitation over the question of his position than Dr. McKechnie is prepared to admit.

Little opportunity indeed for rhetoric does the real Magna Carta allow, and Dr. McKechnie deprives us of a last chance even over the concluding clauses, which he pronounces 'unpractical.' On this and a few other matters of opinion, as well as on a few matters of fact, the reader may be inclined to differ from the author, but anyone who turns to these pages for help in particular difficulties will find enough to persuade him that he had better read every section. There is a very serviceable index and appendix of illustrative materials.

MARY BATESON.

A HISTORY OF ACCOUNTING AND ACCOUNTANTS. Edited and partly written by Richard Brown, C.A., for the Chartered Accountants of Scotland. Pp. xvi, 459. 8vo. Edinburgh: T. C. & E. Jack, 1905.

THE art of setting out accounts and of examining them when presented as a record of transactions must have been in existence from the time that accounts began to be kept, but apparently no history of Accounting and Accountants has hitherto appeared. The present work is intended to fill the gap, and contains much interesting and well-ordered information. It commences with a chapter on numeration, excellent so far as it goes; but it might perhaps have been usefully extended so as to give some account of early arithmetic, and to explain how the ordinary operations of that art were performed with the cumbrous notation of the Greeks and Romans and to trace the development of the existing rules after the introduction of the Arabic notation. The ancient systems of accounting are well and adequately explained in so far as concerns public revenues. Something further might have been said as to the manner of keeping private and partnership accounts amongst the Romans. The next chapter on the early forms of accounts is particularly good. Without being too recondite or technical the method of stating accounts in use in this country from the earliest times is lucidly detailed, and the various improvements from time to time introduced are noted. From the forms of accounts the same author proceeds to auditing. This chapter, however, deals with the fact that accounts were audited, rather than with the manner in which the audit was conducted, and is limited to public accounts.

A history of Accounting must necessarily include that of Book-keeping. Two chapters are devoted to it, and they give the best and fullest account of the subject that has appeared in the English language. They have the advantage of being written by one who is practically conversant with all the details of Book-keeping, and who is consequently able to

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grasp the salient points in each of the works he deals with and to compress a great deal of matter into comparatively short compass. The chapter on Early Italian Accountants is interesting and very much to the point, and the reader will wish that it had been longer.

From medieval Italy to modern Scotland is a long leap, but we are asked to make it. The next portion of the volume is devoted pretty much to the recent history of accounting or rather of accountants in Scotland, as well as in England, Ireland, the British colonies, and foreign countries. In reality it is pretty much a history of the chartered societies.

The Appendix contains a chronological list of printed books on Book-keeping up to the year 1800. This is founded principally upon the *Elenco Cronologico delle opere di computisteria e Ragioneria venute alla luce in Italia*, prepared by Giuseppe Cerboni and issued by the Italian Government; and the list given in the late Mr. Benjamin Franklin Foster's *Origin and Progress of Book-keeping*. This list contained only the books which Mr. Foster had in his possession or had passed through his hands, and was necessarily therefore imperfect. Some additions have been made, but the list is still far from being complete even as regards English works. Why it should stop at the year 1800 is not explained, and that it does so detracts greatly from its value. Seeing that the professed object of the work is accounting, this bibliography should surely have been supplemented by a bibliography of accounting. Even if nothing further had been done than to bring together the titles of the works referred to in the foot-notes this would have formed a serviceable list, and it could have been enlarged without trouble.

The lists of deceased Scottish Accountants are useful, but necessarily imperfect, as until within the last few years there was no official register. They have evidently been prepared with much care; but we need scarcely add that with the greatest care and trouble mistakes will creep in. For instance, Ludovic Grant is said to have died at Smithfield, September 3, 1793. It is true that a gentleman of this name died there on the date stated, but it was not the Edinburgh accountant. The latter died at Edinburgh, 17th September, 1792. The former was a well-known writer in Edinburgh and solicitor to the window-lights.

The chartered societies are to be congratulated upon the appearance of this work, which goes far towards accomplishing the object aimed at.

DAVID MURRAY.

NORTH AMERICA. By Israel C. Russell. Pp. viii, 435. Oxford: Henry Frowde, 1904. 7s. 6d. nett.

THE 'Regions of the World' series of volumes issued by the Oxford University Press is already well known as expounding the new Geography—applied Geography, Biology, and Ethnography—which is very different from the dry-as-dust subject that has been wont to masquerade in our schools under the title of Geography. Professor Israel Russell's volume on North America is well fitted to rank alongside Mr. Mackinder's interesting

work upon the Geography of Britain, though perhaps less complete and comprehensive, owing no doubt to the fact that limitation of space compelled the author to excise several entire chapters of the work as originally planned. The book as published is divided into eight chapters dealing in turn with (1) The Physiography of the marginal zone of the Continent, with its projecting submarine shelf; (2) The general topography of the Continent; (3) Climate; (4) Plant Life; (5) Animal Life; (6) Geology; (7) Aboriginal inhabitants; and (8) Political Geography. All of these are to be commended for their interest; and in many passages the graphic descriptions bear witness to the author's intimate personal knowledge, gained doubtless in great part during his work as a field Geologist. It is perhaps the last two chapters which call most for special remark in this review. In that dealing with the aboriginal inhabitants, the author first considers the general problem of the antiquity of Man on the North American continent. He shows that there is not as yet any trustworthy evidence of the existence of Man on that continent until after the close of the Glacial Period. But while the evidence of the existence of Man is confined to times which are Geologically recent, it yet extends to periods historically very remote. Taking the highly reliable evidence afforded by language, looking to the wonderful diversity amongst native tongues of America, and the absence of any signs of affinity with the oldest known linguistic stocks of the Old World, the conclusion is unavoidable that Man 'set foot on American soil before the sprouting of the linguistic twig, which, after millenniums, produced the cuneiform inscriptions of ancient Persia and Assyria.' General Ethnographical evidence entirely supports this view—the evidence of beliefs, arts, customs, the presence of domesticated animals and plants evolved independently of those of the Old World. Perhaps the author goes too far in saying that the domesticated animals are 'with not even a single exception' peculiar to the Continent, for the existence of a purely native name for 'dog' in various American languages seems to point to that animal having been domesticated by the Aborigines of America long before the advent of Europeans.

In passing, the author takes occasion to draw attention to the misleading use of the too persistent terms 'Stone Age'—with its subdivisions paleolithic and neolithic, 'Bronze Age,' and 'Iron Age,'—pointing out that classification of this artificial character would bracket together as of equal stages in development the lowest American savage and the highly civilized Aztec or Maya.

After treating of such general topics, the author proceeds to more particular descriptions, and makes a survey of the two main groups of aboriginal inhabitants—Eskimo and Indian—and of their chief subdivisions, giving in concise and interesting form an account of their more prominent physical and ethnological characteristics.

The concluding chapter on Political Geography is disappointingly short, most of it being taken up with a discussion of ideal and other methods of forming political boundaries. Finally, the conclusion—for which much is to be said and which is certainly pardonable in a citizen of the United States—is reached that 'the Continent, as shown by its geology

and geography, is a unit,' and that 'the one boundary in North America should be the Shore boundary, except at the thirty-mile-wide Isthmus of Panama.'

In the other chapters of Professor Russell's work much valuable information will be found set forth in thoroughly readable form. There are powerful appeals to the imagination in some of the physiographical facts described, such as the submerged valley of the Hudson, passing far out under the Atlantic in a great cañon over 2500 feet deep and three miles wide, or that of the St. Lawrence extending right out to the brink of the continental shelf some 200 miles to the eastward of Nova Scotia. And in the chapter on Animal Life, after an interesting account of the more prominent wild mammals, we find a charming passage describing with the touch of an enthusiast the Spring time music of the Bird inhabitants—how in the New England woods the twittering of the birds at the first flush of dawn gradually swells up with the songs of hosts of warblers and thrushes till the air pulsates with music, and how, as the dawn speeds westward over the continent, it is preceded by the wave of song induced by its coming, which ceases only when the sea-birds of the Pacific take up the note that was dropped on the distant Atlantic coast.

J. GRAHAM KERR.

A STUDENT'S HISTORY OF SCOTLAND. By David W. Rannie, M.A.
Pp. x, 300. With 4 maps. Cr. 8vo. London: Methuen & Co.,
1904. 3s. 6d.

SCOTTISH students of history probably will not approve of this any more than of most previous attempts to sketch the history of their country. But, for the practical purposes of the schoolmaster Mr. Rannie's work is the most likely book that has yet appeared. The drawback of Scottish history for young students is the amount of mere antiquarianism that it necessarily contains, which, however inspiring for purposes of patriotism, is deterrent from the educational point of view. Mr. Rannie has striven to overcome this difficulty by writing from the standpoint of the relations between Scotland and England. If the study of English history is hampered by too insular a view, the intelligent appreciation of Scottish history has from the same cause become almost impossible. Mr. Rannie pleads for the study of two kindred developments, one on either side of the Tweed, and his little book of 300 pages should help to make this possible. It is clearly conceived and readably expressed, and the maps are sufficient. A map of ecclesiastical Scotland might have been added with advantage. Scotland was not so isolated before the Reformation as she became afterwards, until the Union drew her once more into commercial connection with outside lands. The story closes necessarily, from the writer's point of view, at 1746. If there ever is to be a school of historical study in the Scottish Universities, the foundation for it must be laid in the secondary schools by the inculcation of a suspension of moral judgments. With such judgments the historian has nothing to do. Mr. Rannie knows this and strives to remember it.

DUDLEY J. MEDLEY.

LOGIE : A PARISH HISTORY. By R. Menzies-Fergusson, M.A., Minister of Logie. Vol. ii. pp. 319. With 23 illustrations. Crown 4to. Paisley : Alexander Gardner, 1905. 15s. nett.

THIS handsome volume worthily concludes Mr. Fergusson's account of the parish in which he is happily settled. The first volume, which was noticed in the *Scottish Historical Review* for July last, dealt very fully with the ecclesiastical annals of the parish, and the present volume may be regarded as giving its civil history, although the method adopted by the author necessarily omits some of the phases of parochial life. He takes up in the order followed in the Commissioners' 'Report on the Kirk and Parish of Logie,' prepared in 1627, the various estates within the parish bounds, and gives an exhaustive account of the lands and their owners, derived from historical sources, the charters and other writs in the possession of the present proprietors, and public and private records. This plan has the advantage of affording easy reference to the families which have been connected with Logie from an early period, and genealogists will find information about pedigrees which has not hitherto been available, although there is still room for additional labour to fill up the blanks in several of the charts here published for the first time. Among the holders of land in the parish, as Mr. Fergusson mentions in his preface, will be found the Stuart Sovereigns, some of the ancient religious houses (to wit, the Abbey of Cambuskenneth and Cistercian Nunnery of North Berwick), and many of the noblest and oldest families connected with the Scottish nobility. The Grahams of Montrose, the Shaws of Sauchie, the Stirlings of Ardoch and Keir, the Erskines of Mar, the Drummonds of Perth, the Setons of Touch, the Murrays of Tullibardine and Polmaise, the Hopes of Hopetoun, the Campbells or Argyll, the family of Dundas, the Earls of Stirling and Strathearn, and others, appear in close relation with the civil history of Logie. A wider interest therefore attaches to Mr. Fergusson's work than its title would indicate. It is remarkable how many eminent Scotsmen come within the author's purview, and their achievements are noted with a proper pride. No one who peruses these pages can fail to be impressed with the industry of which they are the product, while evidence is not wanting of Mr. Fergusson's carefulness and anxiety to be accurate. Some of the smaller details, indeed, might have been omitted without injury to the volume. Taken as a whole, the value of the work as a parish history on modern scientific lines can hardly be too highly estimated. A popular account of the geology of the parish is supplied by Mr. D. B. Morris, Town Clerk of Stirling, and there is a list of place-names, with interpretations of their Gaelic origins which may provoke criticism. The illustrations include reproductions of portraits of the famous Abercrombys of Airthrey, and two interesting old maps. The index is deserving of praise.

W. B. COOK.

Barnard: Companion to English History 235

COMPANION TO ENGLISH HISTORY (MIDDLE AGES). Edited by Francis Pierrepont Barnard, M.A., F.S.A. Pp. xv, 352. Crown 8vo. With 97 illustrations. Oxford: Clarendon Press, 1902. 8s. 6d. nett.

WITHIN the compass of 350 pages the historical student will find essays on such subjects as architecture, costume, army and navy, town and country life, monasticism, trade, learning, art, to which, in the ordinary narrative histories allusions are so tantalisingly scanty. Each section is the work of a separate writer, and, where there is so much ground to cover, great restraint has been necessary. Twenty-four pages is a short allowance for a description of the ecclesiastical architecture of the Middle Ages, but by the aid of careful arrangement and well-chosen illustrations, the salient features are impressed upon the reader's mind. The names of most of the writers are a guarantee of the quality of the work—Professor Oman on Military Architecture, Mr. Townshend Warner on Country Life, Dr. Jessopp on Monasticism. The bibliography at the end of each article is within the compass of anyone who has access to a good library.

DUDLEY J. MEDLEY.

It is a pleasure to find such excellent Readers available for use in schools as the Scottish Edition of *Macmillan's New History Readers*. The appearance of the four books: Primary, Junior, Intermediate, Senior, is itself a recommendation; they are beautifully printed and illustrated, and tastefully bound, while the subject matter has been well chosen and skilfully graded. A common and fatal error in such books is to pack them too full of facts, with the result that they are distinctly dull; here, while a sufficient amount of information is given, mere knowledge has not been allowed to interfere with the more important end of making the subject really interesting. The concentric method has been adopted with very happy results, and the history lessons have been correlated with geography. Geographical details are best learned in their associations, and one would fain hope that few teachers now condemn their pupils to commit to memory barren lists of names. In deference to the feelings of those that object to the constant use of the words England, and English, when the British Islands and their inhabitants and interests are being spoken of, the words Britain, Britons, and British, are used. These terms are not free from objection, for the population of these islands consists of Britons, Gaels, Jutes, Angles, Saxons, Danes, Norsemen, etc., and a common name is not easily found. Useful summaries are provided of the Junior, Intermediate, and Senior Readers.

A. M. WILLIAMS.

From the Proceedings of the British Academy comes *Ernst Curtius* (Oxford University Press, pp. 24, 1s. nett), being Dr. Thomas Hodgkin's sympathetic memoir of the great historian of Greece (born 1814, died 1896), who, although an idealist in his writings, did so much on the severely practical modern line of classical research by excavations.

Our contributor M. Étienne Dupont has compiled a *Bibliographie Générale du Mont Saint-Michel* (8vo, pp 62; Avranches, Jules Durand, 1905), being a hand-list of (1) special works, (2) journal articles, and (3) early MSS. relative to the famous rock fortress and abbey. He begins by claiming that in literature the Mont is a cycle. This he proves amply, although his list needs large addition of romance works, French and English; for the place had a poetic renown on both sides of the Channel wider than this useful preliminary bibliography evinces. One interesting Scots item occurs regarding Scottish prisoners in the Mont in 1547, being a reference to the *Revue de l'Avranchin* (tome xi. No. 1, p. 40).

We have received new editions of *Life of Mansie Wauch*, with the Cruikshank illustrations (Blackwood & Sons, 2s. 6d. nett), and the translation of Goethe's *Faust* by Anna Swanwick, with an introduction by Dr. Karl Breul (George Bell & Sons, 2s. nett). These are both pretty volumes and handy in size. We have also to acknowledge *Notes and Queries for Somerset and Dorset* (Sherborne, J. C. & A. T. Sawtell), and *Berks, Bucks, and Oxon Archaeological Journal* (October), with good accounts of castles and churches. Among pamphlets received is *The Hungarian Diet of 1905*, compiled by A. B. Yolland (Budapest, Franklin Society, 1905), a curious manifesto containing the Hungarian protest and constitutional claim in the present difficulty with his 'apostolic majesty' the king. Also a social science monthly, *Kritische Blätter für die gesamten Sozialwissenschaften* (Dresden, Boehmert), bibliographical and critical in its scope. To the Hawick Archaeological Society Mr. J. B. Brown recently communicated a detailed article on the French troops in the Borders in 1548, containing extensive translations from Jan de Beaugué's *L'Histoire de la Guerre d'Écosse*, first published at Paris in 1556. He has favoured us with a reprint. Mr. Brown's rendering of the French is free and vigorous, although far from exact. The general events of the Scottish campaign are well traced.

In *The English Historical Review* (Oct.) Mr. W. T. Waugh traces to its close the Lollard career of Sir John Oldcastle, and Professor E. P. Cheyney tackles a difficult theme—to determine the state of international law under Elizabeth, especially in sea causes. The results are more on the side of light than the deeds of the sea-dogs on the Spanish Main and elsewhere might have led us to anticipate. Mr. R. W. Ramsey finds in the church records of Houghton le Spring in Durham much curious information on rural life, prices, taxation, the parish share in the civil wars, the Solemn League and Covenant, the church collections and doles, the library and the epitaphs of the place from 1531 until 1771. The list of bellringings is oddly instructive: the bells followed the politics of the Vicar of Bray. On the subject of the alleged Norman origin of 'Castles' in England, an important discussion appears, presenting both sides, with an editorial footnote containing the gist of the original contributor's rejoinder. Dr. T. Davies Pryce, while agreeing with Mrs. Armitage that the Normans erected *mottes* during and after the Conquest, dissents

from the assumption that they were then novelties in England, and assails her position as regards several specific places in England, Wales, and Ireland. Mrs. Armitage's answer upholds her previous statements in the instances impugned, although she does not pretend to offer conclusive evidence that there were no private castles in England before the Conquest. On the other hand, Dr. Pryce's counter-argument scarcely appears to go so far as to challenge the proposition that the *motte* type is Norman and to be interpreted as such in British history. Mr. H. W. C. Davis debates the 'unknown charter of liberties' which Mr. Round first edited and which has since been discussed by Mr. Prothero, Mr. Hall, and Mr. McKechnie as relative to Magna Carta. He concludes, a little differently from Mr. McKechnie, that the unknown charter is intermediate between the Articles of the Barons and the final Great Charter.

We congratulate and heartily welcome the *Modern Language Review* (Cambridge University Press) on its fresh start as a specialist journal of research and investigation, largely on themes of English language and literature. In the first number we note as on historical lines Mr. Paget Toynbee's paper tracing Dante's English translators of the eighteenth century, Mr W. W. Greig's discussion of the authorship of songs in Lyly's plays, and Miss Crosland's editing of a fifteenth century German version of the widespread legend regarding a thief on the gallows who is miraculously kept alive by the Virgin for three days, when he confesses, receives the host, and goes to heaven.

The Reliquary has a budget of capital pictures with letterpress equally informative. There are glimpses of old ploughs, yokes, ox-shoes, and flails; there are fine examples of renaissance medals of Christ; and the sculpturings of the caves at East Wemyss are presented with cognate ornaments from Norries Law. A Norman font from Thorpe-Salvin, Yorkshire, is shown, representing the Four Seasons of the year,—a subject which, as Mr. Romilly Allen says, is rare in Norman sculpture in England.

In *Scottish Notes and Queries* (Aberdeen, Rosemount Press) for October, Mr. J. M. Bulloch traverses in some detail the points alleged against his views by Mr. A. H. Millar in our columns (*S.H.R.* ii. 192), and advances examples of confusion between 'Bulloch' and 'Balloch.'

The Celtic Review has from time to time notable Gaelic matter, such as Professor Mackinnon's editing of an old Irish tale from the Glenmasan MS. and Mr. Macbain's study of Highland personal names.

In the *American Historical Review* for October Mr. James F. Baldwin shows that current views of the history of the king's council in fourteenth-century England require to be modified, and that its organised development dates considerably earlier than the time assigned by Sir Harris Nicolas. Professor E. P. Cheyney brings out a curious feudal connection between the United States and the county of Kent in the fact that charters by James VI. and I., Charles I. and Charles II., of Virginia, Massachusetts

Bay, the Carolinas, and other lands in America, were granted, to be held of the King of England 'as of the Manor of East Greenwich in the County of Kent in free and common soccage.' This tenure derives from the residence of the Tudor sovereigns at Greenwich, whence it passed into common form in the grants of crown lands, and continued when James and his successors had ceased to favour Greenwich as their home. Mr. Paul van Dyke discusses Maximilian I. as author. Mr. Goldwin Smith sets forth Burke's views of party, and Cap. Mahan examines, with special reference to their American aspects, the negotiations for the Treaty of Ghent in 1814. There is a notable review of M. Henry Vignaud's *Études Critiques sur la Vie de Colomb avant ses Découvertes*, which appears to make clear some places darkened by diplomatic inaccuracies, for which Columbus himself is made to answer. The explorer, however, was neither the first nor the last to coin or countenance genealogical fiction.

The *Revue Historique* (Sept.-Oct.) is chiefly concerned with Rousseau in Geneva and Napoleon in Italy. A critical survey of medieval studies in French history lays stress on the pagan origins of the Ordeal among European institutions. The Nov.-Dec. issue has a full and careful paper on Marie de Médicis.

In a critique in the *Revue des Études Historiques* (July-August) M. Louis Madelin examines from an opposite angle M. Coquelle's *Napoléon et l'Angleterre, 1803-1813*, especially as regards the rupture of the Peace of Amiens.

The *Analecta Bollandiana*, published quarterly at Brussels by the Société des Bollandistes, carries on a noble tradition in all that concerns hagiology. Issues of July and October, 1905, contain, besides minor texts of the lives of saints, an important series of catalogues of hagiographic manuscripts in various libraries, viz., those of the chapters of St. Peter in the Vatican, of St. John in the Lateran, and of St. Mary Major, as well as those of the Bollandist Library itself. These are accompanied by a valuable bulletin of hagiographic publications containing a useful survey of historical and critical studies all over that special field. Among British subjects of discussion we note, p. 393, a commendation of Harnack's 'ingenious exegesis' relative to the letter of King Lucius to Pope Eleutherius referred to by the Venerable Bede (*Hist. Eccl.* i. cap. 4). By the new reading of Bede's supposed source, the words *epistolam a Lucio Britannio rege* are interpreted as referring, not to a British king at all, but to a historical potentate of Bithynia in Edessa—a Mesopotamian realm, whose actual sovereign was Lucius Aelius Septimius Megas Abgarus IX. Authorities have for a while regarded Lucius, the so-called first Christian king of Britain, as a merely fabulous monarch: the merit of Harnack's explanation is that it so reasonably accounts for the misconception which gave him birth. Geoffrey of Monmouth, it may be remembered, declared him the son of King Coilus, to whom Boece and Buchanan and Burns have given local habitation and poetic name and fame in Kyle. A less

complete process of disillusion is seen in progress in pp. 397-99, where St. Alban, the proto-martyr of England, threatens to fade into a shadow-picture of Saints Irenaeus and Symphorian. A few pages further on (pp. 510-12) it comes to a Scottish saint's turn, and there are debated the rival claims of the Breton St. Servais and our St. Serf or Servanus. The latter appears to get short shrift from Monsieur l'Abbé L. Campion: 'quant à Servanus' (says the abbé's critic in the *Analecta* setting forth the abbé's conclusions), 'très probablement il n'aurait jamais existé.' But the critic is far from satisfied with the abbé's argument, and our saint of Loch Leven still lives. However, he is challenged by his namesake of the town of St. Servan in the department of Ille-et-Vilaine (see *Annales de Bretagne*, tome xix. pp. 321-63, 565-600, 629-30, *Revue de Bretagne*, tome xxxi. (1904) 491-97). It is a sign of our emancipated time that the Society of Bollandists can with the most cheerful historic impartiality contemplate such sacrifices as these would imply on the altar of the higher criticism.

Englische Studien (Leipzig, O. R. Reisland) in its August issue has a long and important article, 'A History of Pastoral Drama in England until 1700; by Josephine Laidler.' Retracing the origins of Italian pastoral drama to the classical bucolic eclogue, Miss Laidler shows its evolution through the *Orfeo* of Poliziano (1474) in the pastoral romance, the *Arcadia*, of Sannazzaro (1504), and the subsequent experiments of Sidney Peele and Lyly with the definitive work of Sidney, the *Arcadia* of 1590, which so powerfully influenced English literature. During the seventeenth century numerous plays attested the pastoral fashion, and one and twenty of them, by authors from Daniel (1606), and Fletcher (1610), and Jonson (1637)—when this type of play was at its best—down through Heywood and Cowley (1638) to Flecknoe (1664) and Oldmixon (1697) are analysed by Miss Laidler. She perceives the increasing sophistication of the age as the cause of progressive decay, although she rightly maintains that the great charm of the finest pastoral plays being poetic, not dramatic, the human element vital for the stage was necessarily absent, and the fates were contrary. Miss Laidler's well-documented study calls for hearty praise were it only for its helps to the criticism of Allan Ramsay's *Gentle Shepherd* (1725) and its contribution to the illustrious pedigree of the rustic figures of Patie and Roger. The November issue has a good note on the *Brut* and the Havelok saga. A Scottish question of interest is asked by Dr. W. Bang, who seeks to know the whereabouts of the MS. dating circa 1513 of the *Priests of Peebles* alluded to in Laing's preface to that poem. The immediate point involved is the relationship between the moral interlude *Everyman* and the third tale of the *Priests of Peebles* in view of the marked allusion in the line:

'And summond this riche man we of reid.'

Perhaps it may be well for our German friends to look at Mr. Renwick's *Peebles: Burgh and Parish*, pp. 55-57, regarding the possible identification of the three priests as helping to fix some dubious dates.

Queries

ADDER'S HEAD AND PEACOCK'S TAIL. Ought not the last line of Ian Lom's poem (to which Mr. Millar, in his interesting 'Killiecrankie described by an Eye-witness,' in last number of the *S.H.R.* p. 10, refers as an 'obscure metaphor') to be rendered, 'With an *adder's* head it will have a peacock's tail'? I presume the word in the original is *nathair* 'adder,' which is also, of course, the general word for 'serpent' or 'snake,' the adder being perhaps the only representative of the serpent or snake family known to the Gael; but in English the harmless 'snake' is usually differentiated from the venomous 'adder' or viper. In Macleod and Dewar's *Dictionary*, English-Gaelic part, I find 'adder' rendered 'nathair,' but 'snake' explained as *gné nathrach gun phuinnsein*, 'a kind of adder without poison.' The rhetorical antithesis between the stinging and venomous adder's head, and the harmless and brilliant peacock's tail is well known to me, as I suppose it is to most Scotchmen, in the weather adage which I used to hear annually when a youth in Teviotdale, 'March comes in with an adder's head, and goes out with a peacock's tail.' I remember how surprised I was to find this supplanted in the south of England by the much less picturesque 'March comes in with the lion and goes out with the lamb.' One would like to know the historical relation between the Gaelic and Lowland Scotch versions of the expression: is the Lowland Scotch a translation from the Gaelic, or is the latter taken over from the Lowland speech? How old is the peacock in Scotland? When is it likely to have been first known in the Highlands? It was no doubt introduced from the south, and known in the Lowlands earlier than in the *tir nam beann 'us nan gleann*. So that the antithesis of peacock's tail with adder's head may have arisen first in the Lowland tongue. But can any example of the Lowland use be found older than, or as old as the Gaelic of Ian Lom?

Oxford.

JAMES A. H. MURRAY.

CAMPBELLS OF ARDEONAIG. According to Miss M. O. Campbell's *Memorial History of the Campbells of Melfort* Alexander Campbell of Ardeonaig married, 1666, Elizabeth, daughter of Robert Campbell of Glenlyon, by whom he had two sons: Colin, who succeeded him, and John, baptised 1677; but the Perthshire Sasines show that Alexander Campbell married, first, Jean, daughter of Colin Campbell of Mochaster, contract dated October, 1665, secondly, Elizabeth, eldest daughter of Robert Campbell of Glenlyon, contract dated 8th September,

1686. Which was the mother of his two sons? There is some reason for believing that the above date 1677 may be a mistake for 1697.

A. W. G. B.

ABBOTS OF THE HOUSE OF DUNDRENNAN. I should be glad of any additions to the following list. The numbers in front of the names indicate the order in which Mr. Æneas B. Hutchison has placed the abbots in his work on the Abbey:

1. Silvanus, 1142-1167. Translated to Rievaulx.
Galfrid, c. 1617-1214. (Chancery Misc. Portfolios, 41/125.)
2. Geoffry, 1222. Died at Alba-ripa (*Mel. Chron.*).
3. Robert Macussal, 1223. Created abbot 5th Jan. (*Mel. Chron.*).
4. Jordan, 1236. Deposed (*Mel. Chron.*).
5. Leonas, 1236. Elected 7th May. 1239 Translated to Rievaulx.
6. Richard, 1239. (*Mel. Chron.*)
7. Adam, 1250. Died (*Mel. Chron.*).
8. Bryan, 1250. (*Mel. Chron.*)
Walter, 1296. (Ragman Roll.)
John, 1305. (Charter 33, Edw. I. m. 3.)
Giles, 1347. (*Papal Registers* of Clement VI.)
Patrick McMEn, 1426. (Olim Abbate. *Reg. Mag. Sig.* 185.)
9. Henry, 1437. (*Statistical Account of Scotland.*)
10. Thomas was abbot fifteenth century.
11. John Maxwell, 1525. (*Monastic Annals of Teviotdale.*)
Adam Blackadder, 1559.
12. Edward Maxwell, 1584-1595.
John Murray, 1598.

The Hayes, Bakewell, Derbyshire.

HENRY A. RYE.

[Undernoted are four additions to our correspondent's list:

- William, 1180. (*Acts Parl. Scot.* i. 388 (red ink).)
William, 1456, 1460. (*Exchequer Rolls*, vi. 191, 641.) 1473.
(*Exchequer Rolls*, viii. 164.)
James Hay (postulate), 1516, 1517. (*Reg. Mag. Sig.* iii. 145,
163.) (abbot) 1517. (*Exchequer Rolls*, xiv. 279.) 1524.
(*Exchequer Rolls*, xv. 84.)
Adam (commendator), 1543. (*Reg. Mag. Sig.* iii. 3106.)]

JOHN BUCHANAN, LAST LAIRD OF THAT ILK. Buchanan of Auchmar states that he died in December, 1682. Mr. Guthrie Smith in his *History of Strathendrick* says that he was dead before 6th September, 1681, but does not give his authority. It is certain that the Laird was alive in January, 1681, but was dead before January, 1683. Where and when did he die?

A. W. G. B.

Communications and Replies

'GRETNA GREEN AND ITS TRADITIONS.' I desire to offer a few remarks upon the notice of this book which appeared in the *Scottish Historical Review* for October (Vol. iii. p. 125). Two excellent illustrations are reproduced, one of which is of a comparatively modern sculpture professing to represent the whole achievement of Johnstone of Gretna—the escutcheon displaying the paternal arms without difference, an esquire's helmet with mantling, surmounted by a wreath on which is set the crest, and over all a scroll with the motto of that branch of the Johnstones—*Cave paratus*.

Johnstone of Gretna or Graitney appears never to have obtained a separate grant of arms, for although Nisbet says the arms of that branch of the clan were matriculated in the Lyon Register as *argent*, a saltire *sable*, on a chief gules three cushions *or* (*Heraldry*, i. 144), which are the arms of the head of the family, Johnstone of that ilk, they are not to be found there now. But Nisbet, writing before 1722, says he had seen another stone 'in front of the house of Gratney,' in which the saltire is given between two mullets or stars in chief and in base, doubtless for difference. Mr. G. Harvey Johnstone has discovered this stone lately, built into the wall of a barn at Old Graitnay farm, with the initials J. J. beside the shield (*Heraldry of the Johnstones*, p. 36). The puzzling circumstance is that, while the present Gretna Hall dates from 1710, the Johnstones had parted with the property before that date.

The other illustration reproduced from *Gretna Green and its Traditions* represents the famous Clochmabenstane, rightly so described under the print, but referred to in the text of the review as 'the Lochmaben stane,' by which name it is commonly called in the neighbourhood. I have not seen the book itself, and do not know whether the author explains the meaning of the name, which I was at pains to elucidate some years ago. It may be worth while to repeat very briefly the result.

Constantly as it is mentioned in early writings both as a trysting place for the muster of troops to undertake or repel invasion, and also for meetings between the English and Scottish Wardens to settle matters in their jurisdiction or to arrange the terms of truce, these were but episodes in the old age of the Clochmabenstane. In the *New Statistical Account* (1845) it is stated that this boulder was formerly the centre of a ring of large stones, enclosing about half an acre, removed in the operations

of agriculture. Thus this boulder was part of a prehistoric monument of the kind usually, though unwarrantably, called Druidic; probably sepulchral, marking the grave of a fallen chief. It may be observed in reference to its popular modern name, Lochmabenstane, that it is at least seventeen miles from Lochmaben, that there is no 'loch' near it, and that the true form of the name may be found in *Fædera* (Vol. iii. part 4, p. 152) in connection with a meeting of commissioners in 1398 at Clockmabanstane. Here the prefix is the Gaelic *clach* (in modern Gaelic *clach*), a stone, and the suffix is pleonastic, added, no doubt, when the English-speaking people of Dumfriesshire had forgotten the meaning of the prefix. *Cloch Mabon*, then, appears to be the stone or burial place of Mabon, just as *Cloridrich*, near Lochwinnoch, probably marks the burial place of Rydderch Hael, the Christian conqueror of Strathclyde.

Who was Mabon? Was he an individual, or is the name to be interpreted in the modern Welsh sense in which it has been affectionately conferred by the Welsh miners on Mr. Abraham Thomas, M.P., meaning a young hero?

Two individuals at least, named Mabon, are mentioned in the Welsh Bruts. The 31st poem in the *Black Book of Carmarthen* contains the following:

Line 11. 'If Wythnaint were to go,
The three would be unlucky:
Mabon the son of Mydron,
The servant of Uthir Pendragon;
Cysgaint the son of Banon,
And Gwyn Godibron

Line 21. Did not Manawyd bring
Shattered shields from Trywruid?
And Mabon the son of Mellt
Spotted the grass with his blood.'

The late Dr. Skene identified Trywruid with Trathen Werid, the scene of King Arthur's tenth battle, fought in 516, taking it to be the same as the Treuruit of Nennius. He gave good reasons for supposing it to have been on the estuary of the Forth near Stirling.

One or other of these Mabons receives much more explicit mention in the eleventh and eighteenth poems of Taliessin, a bard who is known to have written in the sixth or early seventh century.

xi. line 26. 'A battle in a wood of Beit at close of day,
Thou didst not think of thy foes:
A battle in the presence of Mabon.'

This poem celebrates the deeds of Gwallawg ap Lleenag, who, it has been supposed, was that Galgacus whom Tacitus describes as fighting against Agricola in A.D. 80, the same as the shadowy King Galdus, whose name is still attached to the fine stone circle at Torhouse, near Wigtown—King Galdus's tomb. Dr. Skene identified the wood of Beit with Beith in Ayrshire, but it is just as likely to have been one of the

many places named after the birch in Galloway—Beoch, Dalbeattie, etc. Moreover in this poem two places in Galloway are specified as scenes of Gwallawg's battles, viz. 'the marsh of Terra,' now Glenterra or Glentirrow in Wigtownshire, and *pencoet cledyfein*—the woodhead of Cluden, near Lincluden.

xviii. line.17. 'A battle, when Owen defends the cattle of his country,
Will meet Mabon from another country,
A battle at the ford of Alclud.'

Alclud, of course, is Dunbarton; the topography of the next battle may be recognised pretty confidently as that of Mabon's own district on the Solway, which Owen invaded in revenge for the other's raid.

Line 23. 'A battle on this side of Llachar.
The trembling camp saw Mabon
A shield in hand, on the fair portion of Reidol.
Against the kine of Reged they engaged,
If they had wings they would have flown,
Against Mabon without corpses they could not go.
Meeting, they descend and begin a battle;
The country of Mabon is pierced with destructive slaughter.'

Here Reidol seems to be Ruthwell on the east side of the Lochar (Llachar). The 'kine of Reged' are Owen's people from the district between Dunbarton and Loch Lomond, which was known as Reged. The poem goes on to tell of the total defeat of Mabon, 'about the ford of the boundary,' which may well have been on the Kirtle or the Sark.

Line 43. 'The resting place of the corpses of some was in Run.
There was joy, there will be, for ravens.
Loud the talk of men after the battle.'

Here, then, we may suppose that Mabon, the chief man of all that district, fell and was buried under the great stone close to 'the ford of the boundary'; a circle of smaller stones being set round for perpetual memorial. It may well be that Mabon dwelt beside the lake called after his name Lochmaben, and that 'loch' having remained in the lowland Scottish vernacular, while 'cloth' has disappeared from it, the similarity of sound in the two vocables has caused confusion between the residence and the burial place of Mabon.

HERBERT MAXWELL.

[Our Reviewer of this book (*S.H.R.* vol. iii. p. 125) writes:

'Lochmabenstane' has been the standard form since the middle of the fifteenth century. (*Rotuli Scotiae*, ii. p. 413, 510; Bain's *Calendar*, iv. 1409, 1513.) The battle of Sark, fought in 1449, was by contemporaries styled 'the battell of Lochmabane stane.' (Asloan MS. (print) p. 18.) As to the etymology given above, the *cloth* is an old-established certainty, and the *maben* a suggestion to be considered with the others. (See Neilson's *Annals of the Solway*, p. 19.) As to Reidol I am obdurate.]

THE ANDREAS AND ST. ANDREW. Among the too scanty remains of Anglo-Saxon poetry is an interesting work, the *Andreas*, which treats of certain marvellous incidents in the legendary history of the Apostles St. Andrew and St. Matthew. It forms part of the great find made in 1822 by Dr. Blume at Vercelli, near Milan, of a manuscript volume, the Vercelli Book, or Codex Vercellensis, in eleventh century handwriting, of Anglo-Saxon homilies and poems. The poems are six in number and of supreme interest; they are *Andreas*, *Fates of the Apostles*, *Address of the Soul to the Body*, *Falseness of Men*, *Dream of the Rood*, *Elene*. Of *Andreas* sufficient will be said presently; here a word or two may be said about the others. *Fates of the Apostles*, in itself a somewhat dull collection of versified notes, has, if certain critics be right, an important bearing on the authorship of *Andreas*. Professor Gollancz regards it not as an independent composition but as an epilogue to *Andreas*, and at Vercelli, Professor Napier came upon a set of lines containing the runes of the name Cynewulf, a somewhat shadowy Anglo-Saxon poet, whom we know as the author of three poems—*Elene*, *Crist*, *Juliana*, from the fact that he has woven into each of them the runic spelling of his name. 'In the Vercelli book,' says Professor Earle, 'it occurs in the *Elene*, the last of the poems in the manuscript, and Mr. Kemble remarked that it was "apparently intended as a tail-piece to the whole book." This naturally suggests the inference, which indeed is generally accepted, that all the poems in the Vercelli book are by Cynewulf. This poet's runic device affects us somewhat as when, at the end of a volume of Coleridge's poems, we come upon his epitaph, written by himself:

'Stop, Christian passer by!—Stop, child of God!
And read with gentle breast. Beneath this sod
A poet lies, or that which once seem'd he—
Oh! lift one thought in prayer for S. T. C.'

But all critics are not prepared to allow the *Fates* to be tacked on to the *Andreas* (Professor Saintsbury is wicked enough to call it 'a process slightly suggestive of what is said to be occasionally practised on violins'), or to accept the incorporation in the *Fates* of the runic lines discovered by Professor Napier. If the two positions were accepted, the authorship of *Andreas* might be assigned to Cynewulf, and a hotly-contested point would be settled. *The Address of the Soul to the Body* in the Vercelli Book is in two parts, the first, the address of a sinful Soul, the second (a fragment) the address of a virtuous Soul. Another text of the first part is preserved in a noble volume of Old English verse, the Exeter Book, or Codex Exoniensis, one of the books gifted to Exeter Cathedral in the eleventh century by Leofric, tenth bishop of Crediton and first bishop of Exeter, and one is glad to have two texts of a deeply impressive poem. The main idea of the poem is exactly defined by Milton:

'when lust

Lets in defilement to the inward parts,
The soul grows clotted by contagion';

many places named after the birch in Galloway—Beoch, Dalbeattie, etc. Moreover in this poem two places in Galloway are specified as scenes of Gwallawg's battles, viz. 'the marsh of Terra,' now Glenterra or Glentirrow in Wigtownshire, and *pencoet cledyfein*—the woodhead of Cluden, near Lincluden.

xviii. line:17. 'A battle, when Owen defends the cattle of his country,
Will meet Mabon from another country,
A battle at the ford of Alclud.'

Alclud, of course, is Dunbarton; the topography of the next battle may be recognised pretty confidently as that of Mabon's own district on the Solway, which Owen invaded in revenge for the other's raid.

Line 23. 'A battle on this side of Llachar.
The trembling camp saw Mabon
A shield in hand, on the fair portion of Reidol.
Against the kine of Reged they engaged,
If they had wings they would have flown,
Against Mabon without corpses they could not go.
Meeting, they descend and begin a battle;
The country of Mabon is pierced with destructive slaughter.'

Here Reidol seems to be Ruthwell on the east side of the Lochar (Llachar). The 'kine of Reged' are Owen's people from the district between Dunbarton and Loch Lomond, which was known as Reged. The poem goes on to tell of the total defeat of Mabon, 'about the ford of the boundary,' which may well have been on the Kirtle or the Sark.

Line 43. 'The resting place of the corpses of some was in Run.
There was joy, there will be, for ravens.
Loud the talk of men after the battle.'

Here, then, we may suppose that Mabon, the chief man of all that district, fell and was buried under the great stone close to 'the ford of the boundary'; a circle of smaller stones being set round for perpetual memorial. It may well be that Mabon dwelt beside the lake called after his name Lochmaben, and that 'loch' having remained in the lowland Scottish vernacular, while 'cloch' has disappeared from it, the similarity of sound in the two vocables has caused confusion between the residence and the burial place of Mabon.

HERBERT MAXWELL.

[Our Reviewer of this book (*S.H.R.* vol. iii. p. 125) writes :
'Lochmabenstane' has been the standard form since the middle of the fifteenth century. (*Rotuli Scotiae*, ii. p. 413, 510; Bain's *Calendar*, iv. 1409, 1513.) The battle of Sark, fought in 1449, was by contemporaries styled 'the battell of Lochmabane stane.' (Asloan MS. (print) p. 18.) As to the etymology given above, the *cloch* is an old-established certainty, and the *maben* a suggestion to be considered with the others. (See Neilson's *Annals of the Solway*, p. 19.) As to Reidol I am obdurate.]

THE ANDREAS AND ST. ANDREW. Among the too scanty remains of Anglo-Saxon poetry is an interesting work, the *Andreas*, which treats of certain marvellous incidents in the legendary history of the Apostles St. Andrew and St. Matthew. It forms part of the great find made in 1822 by Dr. Blume at Vercelli, near Milan, of a manuscript volume, the Vercelli Book, or Codex Vercellensis, in eleventh century handwriting, of Anglo-Saxon homilies and poems. The poems are six in number and of supreme interest; they are *Andreas*, *Fates of the Apostles*, *Address of the Soul to the Body*, *Falseness of Men*, *Dream of the Rood*, *Elene*. Of *Andreas* sufficient will be said presently; here a word or two may be said about the others. *Fates of the Apostles*, in itself a somewhat dull collection of versified notes, has, if certain critics be right, an important bearing on the authorship of *Andreas*. Professor Gollancz regards it not as an independent composition but as an epilogue to *Andreas*, and at Vercelli, Professor Napier came upon a set of lines containing the runes of the name Cynewulf, a somewhat shadowy Anglo-Saxon poet, whom we know as the author of three poems—*Elene*, *Crist*, *Juliana*, from the fact that he has woven into each of them the runic spelling of his name. 'In the Vercelli book,' says Professor Earle, 'it occurs in the *Elene*, the last of the poems in the manuscript, and Mr. Kemble remarked that it was "apparently intended as a tail-piece to the whole book." This naturally suggests the inference, which indeed is generally accepted, that all the poems in the Vercelli book are by Cynewulf. This poet's runic device affects us somewhat as when, at the end of a volume of Coleridge's poems, we come upon his epitaph, written by himself:

'Stop, Christian passer by!—Stop, child of God!
And read with gentle breast. Beneath this sod
A poet lies, or that which once seem'd he—
Oh! lift one thought in prayer for S. T. C.'

But all critics are not prepared to allow the *Fates* to be tacked on to the *Andreas* (Professor Saintsbury is wicked enough to call it 'a process slightly suggestive of what is said to be occasionally practised on violins'), or to accept the incorporation in the *Fates* of the runic lines discovered by Professor Napier. If the two positions were accepted, the authorship of *Andreas* might be assigned to Cynewulf, and a hotly-contested point would be settled. *The Address of the Soul to the Body* in the Vercelli Book is in two parts, the first, the address of a sinful Soul, the second (a fragment) the address of a virtuous Soul. Another text of the first part is preserved in a noble volume of Old English verse, the Exeter Book, or Codex Exoniensis, one of the books gifted to Exeter Cathedral in the eleventh century by Leofric, tenth bishop of Crediton and first bishop of Exeter, and one is glad to have two texts of a deeply impressive poem. The main idea of the poem is exactly defined by Milton:

'when lust

Lets in defilement to the inward parts,
The soul grows clotted by contagion';

while the grim realism with which here as everywhere our old poets treated war, storm and death, is faithfully reproduced by Tennyson :

‘Hark ! death is calling
While I speak to ye,
The jaw is falling,
The red cheek paling,
The strong limbs failing :
Ice with the warm blood mixing :
The eyeballs fixing.’

The same stern, unrelenting treatment appears in *Andreas*. *Falseness of Men* is a fragment of a versified sermon on the 28th Psalm. For example, lines 15-18, ‘Mischief is in his heart, stained is his soul with sin, steeped in treachery, full of guile, although his outward speech is fair,’ expand the Scriptural passage—‘which speak peace to their neighbours, but mischief is in their hearts.’ This paraphrasing of Holy Writ is a leading feature of Anglo-Saxon Christian literature : it is prominent, for example, in *Andreas*. The *Dream of the Rood* deals with a subject that had been treated in an earlier poem, part of which is cut in runes on the Ruthwell Cross, and is regarded by some as an introduction to the *Elene*, whose subject is the finding of the true Cross, and which gives an account of Constantine’s dream in which he saw the Cross and was told ‘vinces in hoc.’

It will have been seen that the Vercelli Book contains an interesting body of Christian Poetry, and it may be convenient to deal here with a feature of the *Andreas* which is common in the Christian poetry of the Anglo-Saxons, the appearance, namely, of words and phrases reminiscent of the primary heathen poems. Conversely in the existing (revised) texts of the primary poems occur interpolations by Christian scribes designed to modernise the old-world paganism of these ancient compositions. In the *Dream of the Rood* Christ is spoken of as ‘a young hero,’ and on the other hand the old mythology crops out in the words spoken by the Cross. ‘I have endured many a cruel fate,’ where the word for fate is *wyrd* (weird), an ancient heathen term. *Widsith*, the tale of a wandering bard, is wholly pagan, but a Christian scribe had lodged this in his text :

‘This have I found on every hand
Who empire holds from God above
And lives a prince, is dear in love
To those that dwell throughout the land.’

The magnificent story of *Beowulf*, one of the finest examples of heathen epic, has many interpolations. When mention is made of the birth of a son to the heathen King Scyld, it is said that God had sent him for a comfort to the people, that the glory which came to him was the gift of the Lord of Life, the Prince of Glory. And the heathen gleeman says :

‘God made the earth with beauty rife
Which water clasps ; for beaming light
The sun and moon, and earth made bright
With trees and swiftly moving life.’

The fierce monster of the story, a terrible being named Grendel, is described as a descendant of Cain, and when an appeal is made to the heathen gods for protection against his ravages, the poet is made to say :

'They knew not God to magnify :
The praise of God, of Glory King
And Judge of Deeds, they could not sing ;
They knew not Him who rules on high.'

It is rather interesting to collect from *Beowulf* instances of the expression of the same thought both in Christian and in pagan terms. Thus we find, 'He that death takes must accept the Lord's decree,' and also 'Fate goes ever as it must'; further on a king is urged to enjoy life's pleasures till leaving to his sons folk and realm, he goes forth to see the Godhead, and just after this we read of a man that 'Fate removed him.' Scattered over the poem are such phrases as Holy God, Wise Lord, Eternal Lord, Ruler of the Skies, Almighty Creator, Ruler of Men, Ruler of Glory. *Deor's Lament* is the complaint of a minstrel supplanted in his lord's favour by a rival, the case of Cadwallon and Caradoc in Scott's *Betrothed*. Otherwise heathen in sentiment and expression it contains this :

'Then may he think that here below
God in His wisdom separates
The man on whom high honour waits
From him that bears a load of woe.'

In the *Wanderer*, a fine specimen of the Anglo-Saxon lyric, there is a curious blending of Christian feeling with laments for the destruction of human happiness by *wyrd*, and the poem closes thus :

'Tis well with him whose trust is sure
In Him who lives and reigns above ;
Who rests upon our Father's love,
The rock on which we build secure.'

As might be expected, the *Charms*, going back as they do to the beginning of the English race, show in their present form abundant evidence of the priestly transcriber's hand. Instead of attempting what would probably have been beyond their power, to banish charms altogether, the priests (who themselves perhaps were not wholly incredulous) sanctioned them in a more or less altered form. A *Charm for Bewitched Land* is a good illustration. Here is a passage, for instance, where new and old are curiously intermixed. 'Take by night before dawn from four parts of the land four pieces of turf, and note how they were placed. Now take oil, honey, yeast, milk of every beast that is in the land, a bit of every tree that grows on the land, except hard beams, and a bit of every common plant, except only burdock; pour holy water on them and three times on the place where the turfs were, and say, "Grow, multiply, and fill the earth. In the name of the Father, Son, and Holy Ghost be ye blessed." Then say a *pater noster*. Now carry the turf

to the church, and let the priest sing four masses over it. Then turn the green part next the altar, and afterwards before sunset carry the turf where it was cut. Now make of aspen four crucifixes and write on them Matthew, Mark, Luke, and John. Lay a crucifix in each hole and say, "Cross of Matthew, Cross of Mark, Cross of Luke, Cross of John." Then above each crucifix place a turf and say nine times "Grow," and *pater noster* as often, etc." Now compare with this another part of the charm, where the old heathenism is left almost untouched; I give Stopford Brooke's translation :

'Erce, Erce, Erce! O Earth, our Mother!
May the All-Wielder, Ever Lord, grant thee
Acres awaxing, upwards a-growing,
Pregnant with corn, and plenteous in strength:
Hosts of grain-shafts and of glittering plants!
Of broad barley the blossoms,
And of white wheat ears waxing,
Of the whole land the harvest.'

To come now directly to *Andreas*. This is a poem of 1718 double lines, yet the poet is not satisfied that he has done justice to his subject. 'I now a while,' he says, 'have been setting forth in words the teaching of the holy one, the praise of the songs of him that wrought them, a task manifestly beyond my power,' and he deprecates the idea that he has knowledge to enable him to deal with more than a portion of St. Andrew's life. However, he must finish what he has begun, 'Yet will I still in little fragments words of song further relate.' And a wondrous tale he has to tell, opening it in the language of the old war-poetry. 'Lo! in days of old have we heard of twelve glorious heroes beneath the stars, thanes of God; their courage failed not in battle when helms crashed. Famed they were throughout the earth, leaders keen and bold, mighty men when shield and hand guarded the helm on the field of battle.' The Lord's decree sends St. Matthew to Mermedonia (Ethiopia), a land of cannibals, where he is thrown into prison, after being blinded and forced to swallow a drink

'whereof who drinks,
Forthwith his former state and being forgets,
Forgets both joy and grief, pleasure and pain,'

and is made 'to eat grass as oxen.' But in answer to his earnest cry and supplication, the apostle is protected against the evil influence of the potion, and a voice from heaven promises that St. Andrew will come to his aid. The scene now changes to Achaia, where a heavenly voice summons St. Andrew to set forth to rescue his fellow apostle, and rebukes him when he shrinks from the undertaking. After his first hesitation St. Andrew faces his duty manfully, and with his chosen companions makes his way to the shore of the loud-sounding ocean. There he finds a boat manned by three sailors of Mermedonia, and bargains for a passage.

Though the apostle does not know it, these sailors are God and two angels, and it is with curious feelings that one follows the conversation between St. Andrew and God, who is described as sitting on the bulwark above the tossing waters. Some difficulty seems to be caused at first by the poverty of the apostolic company, but on avowing themselves servants of Jesus Christ they receive a free passage. The voyage begins, and with that intense feeling for the sea which marks our oldest poetry, the poet introduces a splendid description of a storm.

'The ocean tossed and boiled; and through the waves
The sword-fish glanced, and grey gulls wheeled in air
Greedy of prey. The sun was lost in gloom,
The gale swept roaring o'er the groaning ship,
And there upon the hurtling billows rode
In pomp of arms the Terror of the Deep.'

St. Andrew's companions are terrified, but with the spirit of trusty warriors they refuse to be landed and separated from their leader. 'Whither shall we wander lord-less, sad at heart, bereft of good, sin-stained, if we desert thee?' The voyage is continued, and offers occasion for a long conversation, in the course of which St. Andrew is led to give an account of certain incidents in the life of Christ. Much of what the apostle says is mere paraphrase of the Gospel narrative, but there is matter whose origin must be sought elsewhere than in the canonical books. The following is somewhat striking. To confound the unbelieving Jews, Christ causes two images of angels to descend from the wall of the temple and to testify to His divinity, and thereafter sends them to Canaan to summon from their graves Abraham, Isaac, and Jacob, who likewise bear witness to Christ. By and by a deep sleep falls on St. Andrew and his company, and in this state they are left on the shores of Mermedonia, where they slumbered 'till God permitted the bright candle of Day to shine, and the dark shadows vanished among the clouds. Then came the Torch of the Sky, and its gleaming light flashed upon the house-tops.' St. Andrew awakens first, and, rousing his companions, tells them his conviction that God himself had been their guide. These have had a wonderful dream. 'Sleep fell upon us, sea-weary ones, then over the heaving waves proudly-plumaged eagles came flying, and on joyful wings the glorious, gracious birds bore our souls into the air, to where they lived mid tender love and hymns of praise, and ever-flowing streams of music.' There they had a glimpse of the Paradise above, of God amid the countless thousands of His angels and the hosts of the redeemed in Heaven. Christ now appears to St. Andrew and bids him set himself to the rescue of St. Matthew, warning him of the perils he will encounter, but cheering him with the assurance that he will turn many souls to repentance.

We now reach the second part of the poem and return to St. Matthew. As invisible to mortal eye, St. Andrew approaches the prison where his fellow apostle is confined, the seven guards of the dungeon fall dead; swift destruction seized these bloody men. At the touch of the Holy

Spirit the prison doors fly open, and St. Andrew entering in is joyfully received by St. Matthew, to whom sight has been restored, and who with his company departs praising Him who rules the destinies of men. St. Andrew is now to undergo sore tribulation. The day has come on which the cannibals were to feast on their captives, and wrath and consternation fall upon them at the death of the guards, and the escape of St. Matthew. They cast lots for a victim, and the doom falls on an old man, who gives up his son to be eaten; but St. Andrew uses his power to make the knife wax, and the lad is saved. The devil appears and denounces St. Andrew as the cause of all their trouble, and the apostle is seized and cruelly used. 'The body of the holy man was bruised, torn by many wounds, lapped in hot blood, which poured out in waves.' He is thrown into prison, and to enhance the horrors of the situation, the poet pictures a dreary winter scene. 'Snow wrapped the earth in winter weeds; fierce cold hail, rime and frost, subdued the land; chilling ice stilled the voice of the waters and mantled the sea.' For days St. Andrew was grievously tormented till 'his body weary with wounds recked not of the work' (a fine expression), and the saint cried to heaven, 'Look, O Lord, on mine affliction.' Fiends assail him, mocking and reviling him, but his faith and courage put them to flight. Yet the long agony has at last broken his patience, and in a bold outburst he makes his complaint to God and petitions for death. 'Thou thyself, O Saviour, after a day of pain didst cry on the Cross to thy Father, "Why hast Thou forsaken me?" and for three days I have endured deadly torments. I beseech Thee, O Lord of Hosts! that I may yield my spirit into Thy hand.' A heavenly voice proclaims that his warfare is accomplished, and as he looks on the track where he had shed his blood, he sees it thick with blooming groves. God visits the apostle in prison and comforts him, and he waxes well of his deep wounds. On the plain beside the city wall are two columns standing storm driven, and at the apostle's command they send a flood over the land. 'The foaming waters covered the earth, bitter was the mead after the day of feasting,' and as the poet remarks with savage irony, 'Soon there was drink for all.' The terror-stricken people implore help, and St. Andrew stills the storm. A mountain opened and swallowed the flood, along with the most malicious of the apostle's foes, while the rest of the people recognised St. Andrew as the servant of the King of all living creatures. At the apostle's prayer the drowned are restored to life and are baptised, a church is built, and Plato is appointed first bishop.

His work accomplished, St. Andrew returned to Achaia. His new converts accompanied him to the shore, and stood weeping as they watched him take his way across the path of the seal. There they praised God and sang:

'One Eternal God is Lord of all,
In every land His might and power are known;
His glory lives for aye in heaven above
'Mong angel hosts. He is Lord and King.'

For more than sixty years the authorship of this interesting poem

has been matter of discussion, and at one stage it was assigned with some certainty to Cynewulf, for whom at the same time the critics constructed a biography extracted with much ingenuity from poems ascribed to him. Thus Grein identifies the poet with a Bishop Cynewulf, who from 737 to 780 was Bishop of Lindisfarne, resigned his office in 780, and died in 782 in retirement. He was expelled from his see in 750 by King Eadberht, and must have spent some years in exile. Born of an eminent and opulent family at the beginning of the eighth century, Cynewulf while a boy seems, agreeably to the practice of his time, to have attended one of the external secular Cloister Schools. The glad time of his ripe youth and early manhood he himself depicts in the first part of his Rhyming Poem, and to this time of keen pleasure belong, without doubt, the Riddles. But the day of joy and the brightness of youth passed away. Cynewulf entered upon the clerical life, and henceforth devoted himself to spiritual poetry. But after he became Bishop this high office seems to have brought him, in a highly-disturbed and fighting time, nothing but trouble and sorrow, and in this time of care and grief his poetic work may well have been for him a source of comfort and refreshment until he was afflicted by age, and weary of a troublesome life, resigned office, and retired to his native Ruthwell. Hammerich thought Cynewulf, in his younger days, was a wandering minstrel, and afterwards abandoned the secular life, and probably even became a monk. At all events, he was intimate with Holy Writ and several Church Fathers.

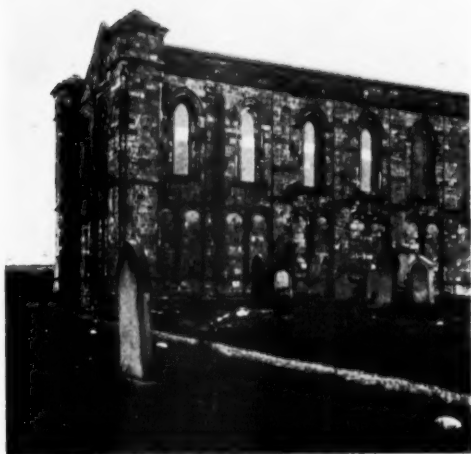
In the light of the assertions of Grein and Hammerich, it is interesting to note the undoubted source of *Andreas*. The *Andreas* is practically a rather close rendering of the πράξεις Ἀνδρέου καὶ Ματθαίου εἰς τὴν πόλιν τῶν ἀνθρωποφάγων, one of the apocryphal acts of the Apostles, although the poet takes a free hand occasionally, as when he introduces the fine description of the storm at sea. The language of the original is far less impressive, but it is exceedingly naïve. Thus when St. Andrew pressed his followers on board the ship to take food that they might be able to bear the voyage, they could not answer him a word because they were troubled by the sea. This curious work, which would be known in a Latin translation to the author of the *Andreas*, is an illustration of the wild legends that grew up in response to a craving to know more of the holy men of old than the Scriptures tell. Another motive is indicated in Professor Earle's remark that 'the Greek romances of love and marvellous adventure were probably discountenanced in Christian families, and we may regard the secondary Apocrypha as a kind of pious substitute for such entertaining works of fiction.' In Alban Butler's *Lives of the Fathers, Martyrs, and other Principal Saints*, and in Baring-Gould's *Lives of the Saints*, are found many references to, and summaries of, these apocryphal narratives, and translations are given in Clark's 'Ante-Nicene Library'; the source of the *Andreas* is given in a handy volume, *Acta apostolorum apocrypha*, by Tischendorf. From the brief notices of St. Andrew found in the Bible, it is easy to infer that he was a fine type of man, alert, keen-witted, eager to bring men to Christ, and impressing himself on others as a leader. A native of Bethsaida,

he was a disciple of the Baptist, and heard his witness to Christ. 'One of the two that heard John speak and followed him was Andrew, Simon Peter's brother. He findeth first his own brother Simon, and saith unto him, "We have found the Messiah." He brought him unto Jesus.' At the feeding of the five thousand, it is St. Andrew who tells Christ of the presence of the lad 'with five barley loaves and two small fishes'; he is one of the four that make up the inner circle of Christ's disciples, 'Peter and James and John and Andrew,' and question the Master as to the significance of His prophecy of the ruin of the Temple; and again, it is to him Philip goes when certain Greeks came to Philip saying, 'Sir, we would see Jesus.' 'Philip cometh and telleth Andrew: and again Andrew and Philip tell Jesus.' By the Greeks St. Andrew is called the Protoclet, or first called: Bede calls him the Introducator to Christ. There was a persistent tradition that St. Andrew laboured in Scythia, and was martyred at Patræ in Achaia.

His connection with Scotland has, of course, a special interest for Scotsmen. The late Marquis of Bute's learned paper on 'The last resting-place of St. Andrew,' namely, the Cathedral of Amalfi, on the beautiful Bay of Salerno, contains an interesting treatment of the apostle's relation to Scotland. In 584 Gregory the Great brought to Rome from Constantinople and placed in the monastery of St. Andrew, an arm of St. Andrew presented to him by the Emperor Tiberius II.: the bones of St. Andrew had been transferred from Patræ to Constantinople by Constantine the Great. Part of this arm, it is conjectured, was brought to England by Augustine, and of this again three finger bones and a part of the arm were placed in the Church of Hexham, whence they were removed by Bishop Acca, when he was expelled from his see in 731. The Bishop presented the precious bones to Angus, King of the Picts, who, to honour them, changed the name Kilrighmonaigh to St. Andrew, and proclaimed the apostle the Patron Saint of his kingdom. There is, however, another saint connected with St. Andrews. The Palmer says to Lord Marmion:

'But I have solemn vows to pay,
And may not linger by the way,
To fair St. Andrews bound;
Within the ocean-cave to pray,
Where good St. Rule his holy lay,
From midnight to the dawn of day,
Sung to the billows' sound.'

The Aberdeen Breviary contains the well-known story of the bringing to Scotland by St. Rule of the relics of St. Andrew. According to the narrative there given, St. Rule was a native of Patræ in Achaia, and when after 'the drums and trappings of the centuries' had passed over the martyr's grave, Constantius marched against the town to punish it for the murder of the apostle, the saint was warned in a vision of the night to carry off the relics of St. Andrew, and these are carefully inventoried as three fingers of the right hand, one arm bone, one tooth, and one knee-cap. St. Rule found his way to St. Andrews, and deposited



PRIORY CHURCH OF ST. MARY, COLDINGHAM



SEAL OF PRIORY
OF COLDINGHAM

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the bones there. In his *History of Scotland*, Bishop Leslie refers to this legend, and in Book V. he states that on the eve of a victory over the Saxons, Hung, King of the Picts, saw the cross of St. Andrew in the air, a visible sign of his patron saint's protecting presence. This is a variant of a familiar legend: we read of Constantine's Cross, of the cross that appeared to Waldemar II. of Denmark before he defeated the Esthonians, and of the cross that Alonzo saw before he triumphed over the Moors. Whatever the origin of the sentiment, every patriotic Scotsman has a special feeling of veneration for St. Andrew, and for the badge of his order, with its proud motto, 'Nemo me impune lacessit.' Our friends across the Border speak of the canny Scot, but Europe knows another Scot who answers better to his national motto. 'Fier comme un Ecossois,' laughs Louis XI. in *Quentin Durward*, and to the Continent the errant Scot of the Middle Ages was exactly

'A fiery ettercap,
A fractious chiel,
As het as ginger,
And as stieve as steel.'

A. M. WILLIAMS.

CAMPBELL OF ARDKINGGLASS. There is a slight error in the notes to the very interesting account of 'The First Highland Regiment' (*S.H.R.* iii. p. 29). James Campbell, younger of Ardkinglass, was son, not brother, of Sir Colin Campbell, Bart., and eventually succeeded as second Baronet.

A. W. G. B.

THE SCOTS DARIEN COMPANY. We print in this issue the first portion of Mr. Hiram Bingham's paper on 'The Early History of the Scots Darien Company,' the remaining portion of which will appear in the April number of the *Scottish Historical Review*.

Mr. Bingham's position as Curator of South American History and Literature at the library of Harvard University has afforded him special opportunities of making a study of this subject. He has also made independent search among the archives of the Advocates' Library, the General Register House, the British Museum, and the Public Record Office in London, and in the Archives of the Indies in Seville, but he is very desirous of securing additional documentary evidence as to various points in the history of the Darien Company. He would be very glad to hear of any letters or journals in either public or private collections which throw light on this subject.

Notes and Comments

THE Scottish History Society has been fortunate in securing the services of Mr. Hay Fleming as Secretary. Bringing to the office a very different experience and a very different standpoint from those of the late Mr. T. G. Law, he has the same eager spirit of research, and the same recognition as a central principle of real history, that it is mainly the new data which count as the merit of current studies. Discovery ranks before criticism. Men who have toiled at the roots, although, perhaps, less thanked, are ultimately more valued. Mr. Hay Fleming, with his St. Andrews local and diocesan knowledge, and his keen Puritan sympathy, will, in his new position, editorially and otherwise, render the better service to Scotland, because his labours have been directed as much to the archæological as to the documentary side of the national record. It is an occasion of public satisfaction when for such a scholar such a task is found.

A CONGRESS on Facsimiles was held at Liège in August last, under the auspices of the Belgian Government, for the purpose of discussing the best practical methods of reproducing manuscripts, coins, and seals, as well as for preserving the originals and ensuring access to and international exchange of the reproductions. Fifteen nations were represented, and important propositions were formulated, which we hope to consider when the complete record of the Congress appears. M. Henri Omont, of Paris, Keeper of manuscripts in the Bibliothèque Nationale, was president of the Congress, which, among its resolutions, included the formation of a permanent international committee for the promotion of the interests involved. In evident line with the direction of this Congress is the announcement by MM. Misch and Thron, Brussels, of an enterprising series of phototypic facsimile volumes of manuscript works in Belgian libraries, under the general title of *Codices Selecti Belgici*. The MSS. to be reproduced embrace homilies, etc., an eleventh century text of Cicero, and the chronicles of Siebert, of Gembloux (saec. xi.), and of Gilles li Muisis (saec. xiv.).

THE Society of Antiquaries of Newcastle-upon-Tyne has put upon record in its *Proceedings* a suitable memorial of the raid across the Border which the Society made in August last. The party first visited Coldingham, of which an interesting general history has been compiled from the published works on the subject. An ecclesiastical foundation from Saxon days before the Danish inroads, the

reconstitution of Coldingham as a religious house dependent on the Benedictine monastery of Durham at the end of the eleventh century—its secular geography relating it to Scotland, while ecclesiastically its connection was English—gave it almost an international character of peculiar interest. The early charters still preserved in the chapter library of Durham, once under the care of James Raine, the historian of North Durham—now under the charge of Canon Greenwell, still more famous among the antiquaries of North England—have supplied an abundance of material, not merely for territorial chronicle, but also for the questions concerning the tenure of Lothian by Scottish kings. The existing remains of the priory contain much fine Transitional work. We are permitted to reproduce the Society's illustration of the church, which was dedicated to St. Mary, whose effigy appeared on the seal, also reproduced from the Society's *Proceedings*. After examining the priory church, the Tynedale antiquaries visited Fast Castle, which was the 'Wolf's Craig' of the *Bride of Lammermoor*. Mr. Robert Blair, the Secretary of the Society, favours us with two illustrations, which well convey the impressively solitary and wild aspect of this sea-beat strong-hold. It was once the home of the ill-fated Logan of Restalrig, whose after-death trial, condemnation and forfeiture in 1609 constitute a gruesome memory of old Scots law in treason cases. He was one of the mystery-men of James VI.'s time, whose careers have attracted the attention if not the favour of Mr. Lang. 'A friend of thieves, a vain loose man, but of a good clan and a good fellow'—so he is described in a despatch quoted in Mr. Lang's Roxburghe Club book, *The Gawrie Conspiracy*. Mr. Blair's pictures and Mr. Lang's description of the place are in emphatic coincidence. 'Unapproachable from the sea except by a fortified staircase in the perpendicular rock, Fastcastle was almost as hard of access from the desolate stretch of links on the land side.' It was a fit home for a friend of thieves who might any day find himself with the king at his throat.

MR. J. MAITLAND ANDERSON, to whom students of the history of St. Andrews are already much indebted, has made a very interesting discovery with regard to a scheme for the removal of the University of St. Andrews to Perth within a few Saint
Andrews
University. years of its foundation. He has obtained documentary evidence of this scheme from the Vatican archives, and a paper giving the full text of the documents as well as some hitherto unpublished matter relating to the early history of St. Andrews will, we hope, appear in the next number of the *Scottish Historical Review*.

CONTRIBUTIONS to the historical and philological section of the Royal Philosophical Society of Glasgow last session, now printed in Early the *Transactions*, include a paper by Mr. David Murray, *Grammar* LL.D., on early Grammars and other School Books in use used in in Scotland. It traces the works serving as standards from Scotland. the *Ars Grammatica* of Donatus in the fifteenth century down to Ruddiman's *Rudiments*, published in 1714, and its sequels till near the close

of the eighteenth century—varying the bibliographic task with many biographical side-touches regarding such grammarians of note as George Buchanan, James Kirkwood, and Andrew Simson. The human side of the matter comes quaintly out in Kirkwood's substituting in a specimen verse illustrative of metre,

Ut Regina Soror Pallas Catharina Leæna,

the name 'Gelecina' for 'Catharina,' on the ground that Gelecina being his wife's name, 'her's as well as his Name may survive when they are dead.' The President of the Society has among these grammars hit upon a very attractive by-way of research, which we trust he will continue to explore. Mr. John L. Morison discusses Reginald Peacock, the heretic bishop of the fifteenth century, and cites from MS. telling bits of the condemned prelate's vigorous reasoning and expressive English. Perhaps the most striking and dangerous doctrine is that 'all goddis creatures musten nedis obeie to doom of resoun.' Mr. Macgregor Chalmers reconstructs from existing remains and indications a tomb which, he gives reasons for concluding, was probably erected about the middle of the thirteenth century in the crypt of Glasgow cathedral. Plans, sections, and elevation make the proposition clear and intelligible in detail. Somewhat different in scope is the subject taken by Mr. John Edwards—'Duns Scotus, his life and times.' Examining all the authorities and traditions, Mr. Edwards balances against the to-name of 'Scotus' and the claim of John Major that the philosopher belonged to Duns in Berwickshire, the anonymous allegations in one MS. of 1381 that he was an Irishman, and in another MS. of 1455 that he came from Embleton in Northumberland. Mr. Edwards stoutly guards himself from being thought to decide by national sympathy, although he concludes that it is 'historically safe' to reckon him a Scot. It is to be observed, however, that Mr. Edwards's survey of the authorities is incomplete. Bale under the heading 'Ioannes Scotus cognomento Dons' has the following:

Hic Ioannes natus erat in Duns oppido tribus ab Alnewico milliarijs distante minorita de custodia Novi castri. (*Index Britanniae Scriptorum*, ed. Poole cum Bateson, 1902, p. 249.)

Comparing this with the references to 'Ioannes Dumbylton doctor Oxoniensis sophista' in the last cited volume (pp. 197-8, 516) one wonders whether there are not still some confusions left to be explained about the life as well as the works of Duns Scotus. His biography, so far as the meagre data go, Mr. Edwards sketches: the philosophical life he modestly refrains from attempting: the reputation of the 'Subtle Doctor' down the ages, however, is interestingly shown, including the curious chapter told by Antony Wood of the New College quadrangle at Oxford littered with 'the leaves of Dunce, the wind blowing them into every corner'—a final symbol of rejection by the seventeenth century.